

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18643 of 2020

1.Prabakaran
2.Ramamoorthy

... Petitioners

Vs.

State Represented by the
Inspector of Police
Alangayam Police Station
Vellore District
(Crime No.518 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.518 of 2020 on the file of the Respondent.

For Petitioner : M/s.V.Sasi Rekha

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This Case has been heard through video conferencing)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379, 511 IPC r/w. 36(A), 36(E) TNF Act, 1882, in Crime No.518 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Viz. Sundaramoorthy is that the petitioner along with the other accused attempted to cut the sandal trees which were grown in the land of the defacto complainant. Two persons were arrested at that time of occurrence and petitioners herein had escaped from the scene of occurrence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of the arrested accused. The learned counsel further submitted that the petitioners do not have previous cases against them and the arrested accused have been released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners along with other accused attempted to cut the sandal trees grown in the land of the defacto complainant. He would further submit that the two persons were arrested on the spot and the petitioners had escaped from the scene of occurrence. He would further submit that the arrested accused are enlarged on bail and the petitioners do not have any previous cases against them.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

(a) The petitioners are directed to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date on which the order is made ready before the learned Judicial Magistrate-3, Thirupattur, on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for the like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
16/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.3,
THIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DIST. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
VELLORE DIST.

CC to M/S.V.SAI REKHA Advocate on payment of necessary charges

CRL OP.18643/2020

Date :16/12/2020

GKS:05/01/2021

सत्यमेव जयते

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