

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2020

CORAM :

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.18711 & 18712 of 2020

S.Gowtham

... Petitioners in both Crl.O.Ps.

Vs.

The Inspector of Police
M-8, Sathangadu Police Station
Chennai
(Crime Nos.2280 & 2286/2020)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime Nos.2280 & 2286 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.S.Mathivanan in both Crl.O.Ps.

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

ORDER

(This case has been heard through video conference)

The petitioner in Crl.O.P.No.18711, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime Nos.2280 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner in Crl.O.P.No.18712, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 341 and 392 of IPC in Crime Nos.2286 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that petitioner has threatened the defacto complainants at knife point and snatched their cell phones. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit the petitioner has no bad antecedents and he was only driving the auto, his friend who was in the auto is said to have involved in the cell phone snatching.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with his friend had indulged in mobile snatching continuously within a short period. So far he has snatched mobile phones from four victims by brandishing knife. He would further submit that the mobile phones were recovered from A1 in this case. He would further submit that the petitioner has involved in four subsequent cases.

6.Taking into consideration of the facts and circumstances of the case and the submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7.Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thiruvottriyur, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

8.With the above directions, these Criminal Original Petitions are ordered.

-sd/-

30/11/2020

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,
THIRUVOTTRIYUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-8, SATHANGADU POLICE STATION,
CHENNAI.

+2 CC to M/S.S.MATHIVANAN Advocate on payment of necessary charges sr.Nos.7865 & 7866

Crl.O.P.Nos.18711 & 18712 of 2020

Date :30/11/2020

RVR 07/12/2020

WEB COPY