

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19460 of 2020

1.Sathik Basha
2.Imran Khan

... Petitioners

Versus

State Rep.by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
(Crime No.1867 of 2020)

.... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 1867 of 2020 on the file of the respondent police.

For Petitioners: Mr.C.D.Sugumar

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Section 399 of IPC, in Crime No. 1867 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have been preparing to commit robbery in a house at Madukarai area and based on reliable information, the respondent police arrested the accused 1 to 3 in this case. It is also alleged that on the basis of confession statement given by accused 1 to 3, 11 stolen cars were recovered from them. The petitioners are arrayed as accused 4 and 5 in the said case. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that the petitioners never indulged in any such offence as alleged by the prosecution. Hence, he prays for the grant of anticipatory bail to

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are 5 accused in this case. When the accused 1 to 3 were returning from Kerala in a car, the respondent police intercepted it and questioned the accused 1 to 3. When questioned, it came to light that the petitioners were preparing to commit robbery in a house at Madukarai on 30.11.2020. It also came to light that the petitioners have received some stolen cars from Bangaluru and they are keeping those cars for the purpose of sale. The respondent police had recovered 11 stolen cars from the accused 1 to 3. The accused 1 to 3 are still in custody. There is no previous case against the petitioners herein. However, he vehemently opposed for grant of bail to the petitioner.

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

6.Accordingly, the petitioners are ordered 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 copy was made ready, before the **Learned Judicial Magistrate, Madukarai, Coimbatore**, on condition that the petitioners 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 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 conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 am., until further orders.

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

[d] the petitioners 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 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]**.

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

-sd/-

10/12/2020

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,
MADUKARAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MADUKKARAI POLICE STATION,
COIMBATORE.

+1 CC to M/S.C.D.SUGUMAR Advocate on payment of necessary
charges SR.NO.8098

CRL OP.19460/2020

Date :10/12/2020

TA-17/12/2020

WEB COPY