

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.423 of 2021

Karthikeyan @ Karthi

... Petitioner

Vs.

The State Rep. by Respondent
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
(Crime No.1857 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.1857 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Ms.R.Divya

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 397 of IPC in Crime No.1857 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused waylaid the defacto complainant and snatched a sum of Rs.1,500/-, mobile phone worth about Rs.2,000/- and Motor cycle from the defacto complainant at knife point. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. She would submit that the petitioner has been implicated in this case only on the confession statement given

by the arrested accused. She would submit that this is the second application and the earlier application filed in CrI.O.P.No.18141 of 2020 was dismissed on the ground that the arrested was still in custody and that the investigation was pending. She would further submit that now the arrested accused has been enlarged on bail and the entire contraband has been recovered from the arrested accused who has been later released on bail. As far as this petitioner is concerned, there is no previous case against him and the petitioner is prepared to abide by any stringent condition that may be imposed on him. Hence, she prays for grant of anticipatory bail to the petitioner

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused waylaid the defacto complainant and snatched a sum of Rs.1,500/-, a mobile phone worth about Rs.2,000/- and the Motor cycle from the defacto complainant at knife point. He would submit that the arrested accused has been released on bail and the entire contraband has been recovered from the arrested accused. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact that the entire contraband has been recovered from the arrested accused and the petitioner has been implicated in this case based on the confession of the arrested accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of 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-II, Tindivanam**, on condition that the petitioner shall execute a 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 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 daily at 10.30 a.m. until further orders.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/01/2021

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.II, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MARAKKANAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.408

CRL OP.423/2021

Date :18/01/2021

TA-22/01/2021