

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.523 of 2021

1. Karthik ... Petitioners
2. Appu @ Surya @ Suryakumar

Vs.

The State rep. by ... Respondent
Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
(Crime No.2 of 2021)

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.2 of 2021 pending on the file of the respondent.

For Petitioners: Mr.G.Balamanikandan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A2 and A3. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 341, 294(b), 323, 397 and 506(ii) of I.P.C., in Crime No.2 of 2021 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that on 31.12.2020, when the defacto complainant returning from his work, the petitioners and A1 said to waylaid him and attacked him. They have taken his mobile phone, snatched a sum of Rs.350/- and also threatened him with dire consequences. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioners would submit that there was no occurrence took place as alleged by the prosecution. He would submit that the defacto complainant has

stated that he has not given complaint before the respondent police. He would submit that they are innocent persons and they are no way connected with the offence. He would also submit that they have been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that these petitioners said to have attacked the defacto complainant, snatched a sum of Rs.350/-, a mobile phone and also threatened with dire consequences. He would submit that the injured was discharged from the hospital and there is no bad antecedents against the petitioners. He would submit that A1 was arrested and released on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that injured was discharged from the hospital, A1 was arrested and released on bail, and there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kancheepuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m. For the period of two weeks ;

[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.

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

-sd/-

27/01/2021

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,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.G.BALAMANIKANDAN Advocate on payment of
necessary charges SR NO. 923

CRL OP.523/2021

Date :27/01/2021

MN-03/02/2021