

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.745 of 2021

N.ARUMUGAM

[PETITIONER / 7th ACCUSED]

Vs

STATE BY

[RESPONDENT / COMPLAINANT]

THE SUB INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
ALIYAR, POLLACHI TALUK,
COIMBATORE DISTRICT.
(CRIME NO. 10/2020)

For Petitioner : M/S C.VEERARAGHAVAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 395 of I.P.C in Crime No.10 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are seven accused in this case and the petitioner is ranked as A7. The case of the prosecution is that A1 to A6 celebrated new year eve in a farm house and called the defacto complainant to participate in the function and they snatched the chain of the defacto complainant. It is alleged that the farm house belongs to the petitioner. Hence, the respondent police registered the case against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner and his wife is the owner of the farm and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public prosecutor would submit that the petitioner and his wife is the owner of the farm, where the occurrence

have taken place. He would further submit that the petitioner along with accused snatched the defacto complainant's chain. He would also submit that A1 to A6 have arrested and released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that A1 to A6 have been arrested and enlarged on bail and the fact that the petitioner is the owner of the farm where the occurrence have taken place, apart from that there is no serious allegation against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with stringent 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 made ready, before the learned Judicial Magistrate No.II, Pollachi 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions this criminal original petition is ordered.

-sd/-
01/03/2021

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,
POLLACHI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ALIYAR POLICE STATION,
ALIYAR, POLLACHI TALUK,
COIMBATORE DISTRICT.

+1 CC to M/S C.VEERARAGHAVAN Advocate on payment of necessary charges SR NO. 2535

सत्यमेव जयते

WEB COPY
CRL OP.745/2021
Date :01/03/2021

MN-05/03/2021