

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1506 of 2021

E. Sridhar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai - 600 099.
(Crime No.3819 of 2020)

... Respondent

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.3819 of 2020 on the file of the respondent police.

For Petitioner : Mr.K. Kannan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 392 of I.P.C in Crime No.3819 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 2 accused in this case and the petitioner is A2. It is alleged that the petitioner along with A1 waylaid the defacto complainant and snatched his mobile phone and assaulted him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the co-accused A1 has been arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the petitioner is a habitual offender and he is having one previous case similar in nature. He would further submit that A1 has been arrested and enlarged on bail and the investigation is also completed.

5. Considering the facts and circumstances of the case and the co-accused has been released on bail and investigation is also completed, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Madhavaram, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
CHENNAI-600 099.

+1 CC to M/S.K.KANNAN Advocate on payment of necessary charges
SR NO. 2194

CRL OP.1506/2021

Date :24/02/2021

MN-03/03/2021



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