

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2671 of 2021

Muthu @ Gnanamuthu

... Petitioner

-Vs-

State through

The Inspector of Police,
S-9, Pazhavanthangal Police Station,
Chennai.

(Crime No.247 of 2019)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.247 of 2019 is pending on the file of the respondent police.

For Petitioner : Mr.B.M.Santharam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Section 379 of IPC, in Crime No.247 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons had taken ground water from the Government Poramboke land. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioner. He would further submit that earlier, the petitioner had moved the anticipatory bail application before this

Court in Cr1.O.P.No.21432 of 2019 and the same is allowed. He would further submit that he could not able to comply with the conditions, hence the present application has been filed. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons had taken ground water from the Government Poramboke land. He would further submit that there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case and earlier this Court had granted anticipatory bail to the petitioner in Cr1,O.P.No.21432 of 2019 and the petitioner could not able to comply with the condition. Therefore, 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 made ready, before the learned Judicial Magistrate, Alanthur, 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.

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

-sd/-
16/02/2021

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,
ALANTHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-9, PAZHAVANTHANGAL POLICE STATION,
CHENNAI

+1CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges SR NO.1748

CRL OP.2671/2021

Date :16/02/2021

MK:22/02/2021

WEB COPY