

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2292 of 2021

1. S.Siva
2. M.Udhayakumar

... Petitioners

-Vs-

State rep by its
The Inspector of Police,
V-3, J.J. Police Station,
J.J.Nagar, Chennai.

... 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 by the Respondent Police pending investigation in Crime No.30 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC, in Crime No.30 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that one Mayna Besara the defacto complainant was working as daily wages in building construction, after completing her work in the evening on 25.01.2021 when she was waiting for the caught her bus nearby constructing building, three person had snatched her black color OPPO mobile. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the defacto complaint was working as daily wages in building construction, after completing her work in the evening on 25.01.2021 when she was waiting for the caught her bus nearby constructing building, three person snatched her black color OPPO mobile and there is no previous case pending as against the petitioners.

5. Considering the facts and circumstances of the case and that there is no previous case pending as against the petitioners and there is no bad antecedents of the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate, Ambattur, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[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/-
22/02/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-3 J.J.POLICE STATION,
J.J.NAGAR, CHENNAI

+1CC to M/S.D.PADMANABHAN Advocate on payment of necessary charges SR NO.2247

CRL OP.2292/2021

सत्यमेव जयते Date :22/02/2021

MK:25/02/2021

WEB COPY