

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2939 of 2021

Balaji

... Petitioner

Vs.

The State represented by
The Inspector of Police,
T-2, Ambattur Estate Police Station,
Chennai.
(Crime No.698 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.698 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Rajkumar

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 Sections 457 and 380 of I.P.C in Crime No.698 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are 4 accused in this case and the petitioner is A4. It is alleged that the petitioner/A4 along with other accused broke open the house of the defacto complainant and stolen 7 sovereigns of gold and cash worth Rs.1,30,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that only based on the confession statement given by the co-accused, the petitioner has been implicated in this case. He would further submit that the petitioner has 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 opposed the anticipatory bail application stating that the petitioner along with other accused persons broke open the house of the defacto complainant and stolen 7 sovereigns of gold and cash worth Rs.1,30,000/-. He would further submit that the co-accused/A2 was enlarged on bail by the Court below.

5. Considering the facts and circumstances of the case and the co-accused/A2 was enlarged on bail by the Court, 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 learned Judicial Magistrate, Ambattur 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 and 5:30 p.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.

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

-sd/-
17/02/2021

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,
T-2, AMBATTUR ESTATE POLICE STATION,
AMBATTUR,
CHENNAI- 600053.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.1788

CRL OP.2939/2021

Date :17/02/2021

TA-01/03/2021

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