

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2964 of 2021

Sathiskumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
E-10, Kayar Police Station,
Kancheepuram District.
[Crime No.392 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.392 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Jaikumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.392 of 2020 on the file of the respondent police for the alleged offences punishable under Section 379 of IPC, is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The allegation is that the petitioner, who has been arrayed as A6, along with other accused committed theft of 905 centring sheets.

4. According to the learned Additional Public Prosecutor, other accused persons, who were arrested and remanded to judicial custody, have all come out on bail. He however submitted that the entire centring sheets have been recovered.

5. Considering the fact the fact that A1 to A5 had been released on bail and also the fact that the stolen properties have been recovered and there is no previous case reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner

subject to the following conditions :-

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Chengalpattu, Kancheepuram District, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-

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-1,
CHENGALPATTU, KANCHEEPURAM DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-10 KAYAR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.M.JAIKUMAR Advocate on payment of necessary charges

CRL OP.2964/2021

Date :17/02/2021

EP-02/03/2021



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