

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3219 of 2021

SEKAR @ DHANASEKAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.
CR.NO.343 OF 2020.

[RESPONDENT]

For Petitioner : M/S.V.C.ARUN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 392, 397 and 506(ii) of I.P.C in Crime No.343 of 2020, seeks anticipatory bail.

2. Totally there are 2 accused in this case and the petitioner herein is A2. The allegation is that the petitioner/A2 waylaid the defacto complainant at knife point and robbed Rs.2,000/- from him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that A1 is the main accused in this case and the petitioner has been falsely implicated in this case. Therefore, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that as the petitioner along with A1 waylaid the defacto complainant at knife point and robbed Rs.2,000/- from him. He would further submit the co-accused A1 was arrested and released on bail and so far as this petitioner is concerned he is having one previous case of the year 2016. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. Consideration of the facts and circumstances of the case and also the fact that the main accused/A1 was arrested and released on bail and even though this petitioner is having one previous case, the case is of the year 2016, 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 on which the order copy is made ready before **the Judicial Magistrate Court-IV, Vellore** on condition that the petitioners shall execute a separate 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 petitioner 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.

[c] the petitioner shall report before the respondent police daily at 10:30 a.m and 5:30 p.m until further orders.

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

[e] the petitioners 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 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]**.

[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/-

03/03/2021

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,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.V.C.ARUN Advocate on payment of necessary charges
SR.NO.2839

CRL OP.3219/2021

Date :03/03/2021

TA-10/03/2021



WEB COPY