

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3743 of 2021

MARI @ VIGNESH @ VIGNESHWARAN

[PETITIONER / ACCUSED]

vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
THIRUMULLAIVOYAL POLICE STATION,
CHENNAI DISTRICT.
CRIME NO. 56 OF 2021.

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.56 of 2021 on the file of the respondent police for the alleged offence u/s 147, 148, 341, 294(b), 323, 427, 336, 392, 397 and 506(ii) of IPC, seeks 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. There are totally nine accused involved in this case and the petitioner has been arrayed as A9. The allegation is that on 02.02.2021 at about 08.00 a.m. when the de facto complainant one Venkatesan of Ayapakkam, Chennai was proceeding to his job, the petitioner and other accused waylaid him and robbed him off his cash at knife point.

4. The learned counsel for the petitioner submitted that the petitioner is doing his diploma course in a private polytechnic and he has been falsely roped in the case. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor would oppose the petition. He would, however, fairly submitted that four out of nine were arrested and released on bail and the four others were granted anticipatory bail and substantial investigation is over.

6. Considering the facts that four out of nine accused had been granted bail and four others had been granted anticipatory bail and also considering the other facts and circumstances of the case including the fact that there is no bad antecedent 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, Ambattur, on executing 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, 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 report before the respondent police daily at 10.30 a.m. until further orders and co-operate with the police 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 himself /Trial Court 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/-
19/03/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUMULLAIVOYAL POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary
charges SR NO. 3717

सत्यमेव जयते

CRL OP.3743/2021

Date :19/03/2021

WEB COPY

MN-26/03/2021