

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.4189 of 2021

NIRESHRAJ

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
CUDDALORE POLICE STATION,  
CUDDALORE DISTRICT  
(CRIME NO.11 OF 2021)

For Petitioner : M/S.D.PADMANABHAN 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 apprehends arrest at the hands of the respondent police for the offences punishable under Section 381 of I.P.C in Crime No.11 of 2020, seek anticipatory bail.

2. Totally there are 2 accused in this case and the petitioner herein is A1. The allegation is that that the petitioner/A1 along with A2 entered into the defacto complainant's house to do Air conditioner service. Thereafter, when they left the house some of the gold jewels belonging to the defacto complainant were missing. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that there was some dispute between the petitioner and the defacto complaint in paying the service charges. Due to which the petitioner had been unnecessarily implicated in this case. Therefore, he seeks for grant for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that as the petitioner along with A2 went to the house of the defacto complainant to repair Air conditioner and when they left the house some of the Gold Jewels were found missing. Suspecting the petitioner the F.I.R has been registered. 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 petitioner is an employer of A2, and only on suspicion only the case came to be registered, 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 - II, Cuddalore 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 as and when required for interrogation.

[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.II,  
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CUDDALORE POLICE STATION,  
CUDDALORE DISTRICT.

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

CRL OP.4189/2021

Date :03/03/2021

MK:08/04/2021

WEB COPY