



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA
CRIMINAL ORIGINAL PETITION No.4407 of 2021

BALAMURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM, SALEM DISTRICT
(CR.NO.26/2021)

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (CrI. Side)

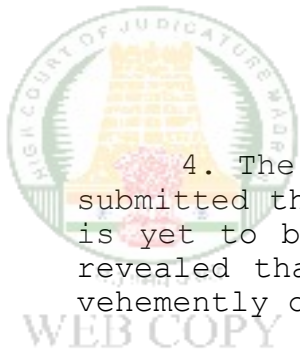
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 379, 420 IPC in Crime No.26 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that while the de-facto complainant along with his wife were travelling in the bus from Salem to Erode carrying Rs.9 lakhs in a bag, 4 persons, including the petitioner boarded the bus and after diverting the attention of the de-facto complainant, the petitioner along with the other accused stolen Rs.9 lakhs kept by the de-facto complainant and got down from the bus at Sankari - Tiruchengodu and thereafter the de-facto complainant noticed the missing of the amount and lodged a complaint, which was taken on file and investigation led to the arrest of two of the accused and recovery of a sum of Rs.8 Lakhs and on the basis of the statement of the arrested accused, the petitioner was implicated in the case.

3. Learned counsel appearing for the petitioner submits that the petitioner has been arrested only on the basis of the statement of the co-accused and that the petitioner is in no way connected with the offence and that the case has been falsely lodged against him. He further submitted that the petitioner is willing to abide by any direction as may be ordered by this Court, including deposit of any reasonable amount as may be ordered by this Court.



4. The learned Government Advocate appearing for the respondent submitted that a sum of Rs.8 Lakhs has been recovered and the balance is yet to be recovered. It is further submitted that investigation revealed that the balance sum was shared among all the accused. He vehemently opposed grant of anticipatory bail to the petitioner.

5. Taking into consideration the fact that a major portion of the amount has been recovered and also taking into consideration that the petitioner on his own volition is willing to deposit any reasonable amount, that may be ordered by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Hence, the petitioner is directed deposit a sum of Rs.25,000/- to the credit of Crime No.26 of 2021 and on such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance. The amount so deposited is payable to the de-facto complainant irrespective of the fact proving of guilt or not of the accused. And on further condition that within a period of fifteen days from the date of receipt of a copy of this order, the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 Judicial Magistrate No.1, Sankari, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall produce the acknowledgement of deposit of the amount at the time of his release on bail;

[b] the 1st 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 amount so deposited by the petitioner shall be disbursed to the de-facto complainant under due acknowledgment on filing necessary petition.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/05/2021

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.I, SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION, SALEM,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges
Sr.5870

CRL OP.4407/2021

Date :05/05/2021

RVR 13/05/2021