

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4780 of 2021

1 K.SATHISH

[PETITIONERS / ACCUSED]

2 K.RAJAMANIKKAM

3 S.SADHA ALIAS SADHASIVAM

4 A.YESUDASS

5 Y.STALIN

6 M.KANAGARAJ

7 S.SELVADURAI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PUDHUCHATHIRAM POLICE STATION,
TIRUVANNAMALAI DISTRICT
(CR.NO.49/2021)

For Petitioner : M/S.S.INDRAJITH 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 petitioners, who apprehend arrest in connection with the case in Crime No.49 of 2021 on the file of the respondent police for the alleged offence u/s 457 and 380 of IPC @ into Section 395 of IPC, seek anticipatory bail.

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

3. There are totally ten accused in this case and the petitioners have been arrayed as A7, A8, A14, A15, A16, A17 and A18 respectively. The case of the prosecution is that the petitioners along with the other accused have stolen steels rods worth about Rs.12 lakhs. Hence,

the case came to be registered on a complaint from a security officer of the company.

4. The learned counsel for the petitioners would submit that the petitioners are innocent of the alleged offence and the name of the petitioners do not find place in the FIR and he has been falsely roped in this case. The petitioners are ready to abide by any condition that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor would fairly submit that on the basis of the confession of the arrested accused, the petitioners have been implicated. He would further submit that the entire stolen steel rods has been recovered and the accused who were arrested and remanded to judicial custody had been granted bail.

6. Considering the submissions made on their side and the fact that the stolen properties have been recovered and the co-accused on whose confession these petitioners were made as accused had been granted bail and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate / District Munsif, Portonovo, on each of them 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks as and thereafter as and when required by the police 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 have been 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/-
10/03/2021

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,
/ DISTRICT MUNSIF, PORTONOVO

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PUDHUCHATHIRAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+2 CC to M/S.S.INDRAJITH Advocate on payment of necessary charges
SR.No.3249

CRL OP.4780/2021

Date :10/03/2021

cs 16/03/2021