

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5123 of 2021

NABI @ SYED NABI

[PETITIONER / ACCUSED]

Vs

SUB-INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.
CRIME NO.76 OF 2021

[RESPONDENT]

For Petitioner : M/S. M.R.THANGAVEL 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 is Al. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 324 and 384 of IPC, in Crime No.76 of 2021 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are from the very same area. The defacto complainant is working as a delivery man in a food delivery company. While returning from duty, he was carrying more than Rs.50,000/- in his wallet. There was a wordy quarrel between the accused persons and the defacto complainant and the petitioner along with other accused attacked the defacto complainant and snatched away his wallet and ran away from the scene of occurrence. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence and hence, he prays to grant anticipatory bail to the petitioner. He further submitted that the other accused persons only attacked the defacto complainant and there is no specific allegation against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons attacked the defacto complainant and stolen the money from the defacto complainant.

5. Considering the facts and circumstances of the case and the fact that there is no specific allegation 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-I, Vellore, on condition that the petitioner 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 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 appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required 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 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/03/2021

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.I,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
BAGAYAM POLICE STATION,
VELLORE DISTRICT.

+1CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges SR NO.3392

CRL OP.5123/2021

Date:15/03/2021

MK:26/03/2021

WEB COPY