

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6237 of 2021

Madanlal

.. Petitioner/A1

Vs.

State represented by
Inspector of Police,
Tirupathur Police Station,
Vellore District.
(Crime No.1571 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1571 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Rameshkumar

For Respondent : Mr.C.E.Pratap
G.A.(Crl.Side)

O R D E R

(The case has been heard through video conference)

This is the second anticipatory bail application filed by the petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 of IPC, in Crime No.1571 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused person had broke open the godown belongs to the defacto complainant and stolen banned tobacco products worth about of Rs.28 lakhs. Hence, the complaint was registered.

3. Earlier, this Court dismissed the anticipatory bail application filed by the petitioner on 19.02.2021, considering the fact that the co-accused were already been arrested, the stolen goods are yet to be recovered and considering the bad antecedents of the petitioner.

4. The learned counsel appearing for the petitioner would submit that all the co-accused were arrested and released on bail and the stolen goods were recovered from the other accused. The allegation against the petitioner is that he only accompanied the main accused and there is no other allegation against the petitioner. He further submitted that the investigation is almost over and that this is the second anticipatory bail application.

5. The learned Government Advocate (CrI.Side) strongly opposed the granting of anticipatory bail to the petitioner. He submitted that the earlier anticipatory bail application moved by the petitioner was dismissed by this Court on 19.02.2021, in CrI.O.P.No.2678 of 2021.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that the co-accused were arrested and released on bail, stolen goods were recovered from the accused and the investigation is almost over, 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, Tirupathur, 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 four weeks and thereafter as and when required.

(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 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.

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

-sd/-
18/06/2021

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,
TIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUPATHUR POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.RAMESH KUMAR Advocate on payment of necessary charges SR NO.6634

CRL OP.6237/2021

Date :18/06/2021

MK:05/07/2021