

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5304 of 2021

J.Alwin Paul Raj

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Thudiyallur Police Station,
Coimbatore District.
(Crime No.66 of 2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of arrest by the respondent in Crime No.66 of 2020 on the file of the Inspector of Police, Thudiyalur Police Station, Coimbatore District pending investigation of the case.

For Petitioner : Mr.K.R.Gunashekar

For Respondent : Mr. S.Karthikeyan,

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294 (b), 506(ii) and 379 of IPC, in Crime No.66 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2019, the petitioner along with 2 persons entered into the defacto complainant's house and threatened her daughter and committed a theft of 7 sovereigns of gold and one bag . Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been

foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with 2 persons entered into the defacto complainant's house and threatened her daughter and committed a theft of 7 sovereigns of gold and one bag. He further submitted that there is no previous cases pending as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, that the occurrence said to have taken place on 05.11.2019, and the F.I.R was Registered on 04.02.2020, now investigation is almost completed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 made ready, before the learned Judicial Magistrate No.I, Coimbatore, on condition that the petitioner shall execute 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-
16/03/2021

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.K.R.GUNASHEKAR Advocate on payment of necessary charges SR.NO.3456

CRL OP.5304/2021

Date :16/03/2021

TA-01/04/2021

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