

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5423 of 2021

Venkatesan

... Petitioner

-Vs-

State Represented by ... Respondent  
The Inspector of Police,  
Thiruvannamalai Taluk Police Station,  
(Crime No.110 of 2021)

**Prayer:** Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.110 of 2021 on the file of Inspector of Police, Thiruvannamalai Taluk Police Station/ Respondent police.

For Petitioner : Mr.T.Shanmugam  
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 offence punishable under Section 399 of IPC, in Crime No.110 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that earlier, the petitioner along with other accused persons have abducted one Shanmugam, who is brother of defacto complainant and subsequently, he has escaped from illegal custody. Now, the present complaint has been registered against the petitioner along with other accused stating that they said to have stopped all the vehicles and indulged in looting. Hence, a criminal case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Earlier, the petitioner has involved in a criminal case registered in Crime No.107 of 2021 on the ground that

the petitioner along with other accused have abducted one Shanmugam and subsequently, the present false complaint has been registered. He would further submit that co-accused had already been arrested and thereafter they were released on bail by this Court in Crl.O.P.Nos.4960 and 4986 of 2021. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that now, the petitioner along with other accused have made a preparation to commit decoity. He would submit that there is no bad antecedents pending against the petitioner and the investigation is almost completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that earlier, another criminal case was registered against the petitioner in Crime No.107 of 2021 and the co-accused had already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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.II, Thiruvannamalai, 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 daily at 10.30 a.m., until further orders.**

[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 petitioners 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/-  
19/03/2021

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.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
THIRUVANNAMALAI TALUK POLICE STATION.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.5423/2021

Date :19/03/2021

TA-20/04/2021

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