

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.6415 of 2021

ELAMARAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
CR.NO.110/2021

For Petitioner : M/S.T.SHANMUGAM 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, who apprehends arrest for the alleged offence under Section 399 of I.P.C 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 came to be 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 granted anticipatory bail by this Court in CrI.O.P.No.5423 of 2021 dated 19.03.2021. 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 dacoity. 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 that the investigation is almost completed and the co-accused had already been granted anticipatory bail, 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 their 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 his 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 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.

-sd/-
31/03/2021

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,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION.

+1CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges SR NO.4347

CRL OP.6415/2021

Date :31/03/2021

MK:15/04/2021

WEB COPY