

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6384 of 2021

1 HELAN
2 SETHURAMAN

[PETITIONER / ACCUSED]

Vs

STATE

[RESPONDENT]

INSPECTOR OF POLICE,
N1, ROYAPURAM POLICE STATION,
CHENNAI.
CR.NO.57/2021.

For Petitioner : M/S.M.P.SARAVANAN Advocate

For Respondent : M/S.KRITIKA KAMAL .P Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 380 of IPC in Crime No.57 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with A1 has looted 240 sovereigns of gold ornaments from the defacto complainant's house and sold the same. Hence, the present complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the recovery of gold and other articles are from only A1. He further submitted that the petitioners are ready and willing to deposit Rs.4 Lakhs in Crime No.57 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that A1 has looted 240 sovereigns of gold ornaments from the defacto complainant's house and sold it with the

help of these petitioners/A2 & A3. A1 is a college student and these petitioners definitely knew that the gold ornaments were stolen jewels. She further submitted that only 29 gms of gold and Rs.5 Lakhs of cash has been recovered from these petitioners. Hence, she vehemently opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also that the petitioners are ready and willing to deposit Rs.2 Lakhs each to the credit of Crime No.57 of 2021, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVI Metropolitan Magistrate, George Town, Chennai, on condition that each of the petitioners 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 and on further condition that:

(a) Each of the petitioners shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.57 of 2021 and the learned XVI Metropolitan Magistrate, George Town, Chennai, shall disperse the same to the defacto complainant after obtaining appropriate affidavit.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/04/2021

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
N1, ROYAPURAM POLICE STATION,
CHENNAI.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary
charges SR.NO.4749

CRL OP.6384/2021

Date :15/04/2021

rvr 19/04/2021

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