

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.8842 of 2021

A.Elango

.. Petitioner

Vs.

State represented by
Inspector of Police,
Malayampalayam Police Station,
Erode District.
(Crime No.437 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.437 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.R.Muniyapparaj
G.A.(Crl.Side)

ORDER

(The case has been heard through video conference)

This is the second anticipatory bail application filed by the petitioner/A5, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.437 of 2020, for the alleged offence under Sections 457 and 380 of I.P.C. and altered to Sections 342, 452 and 395 r/w Section 397 of I.P.C.

2. Totally there are ten accused in this case and the petitioner herein is arrayed as A5. The allegation is that the petitioner along with other co-accused had broken the door of TASMACH shop and stolen liquor bottles and also damaged the CCTV camera worth about Rs.58,000/-, hence the crime was registered.

3. Earlier, this Court dismissed the anticipatory bail application filed by the petitioner on 11.03.2021, considering the fact that the petitioner is a habitual offender and there were three previous cases pending against the petitioner.

4. The learned counsel appearing for the petitioner would submit that the co-accused were arrested and released on bail and the investigation is almost over and that this is the second anticipatory bail application.

5. The learned Government Advocate (Crl.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 11.03.2021, in Crl.O.P.No.3639 of 2021. He further submitted that the petitioner had stolen liquor bottles and also damaged the CCTV camera worth Rs.58,000/-.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that the investigation is almost over and the co-accused were arrested and released on bail, 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, Kodumudi**, 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/A5 shall deposit a sum of Rs.5,000/- (Rupees five thousand only), before the learned Judicial Magistrate, Kodumudi, to the credit of Crime No.437 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

(d) The petitioner shall appear before the respondent police as and when required for interrogation.

(e) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(f) The petitioner shall not abscond either during investigation or trial.

(g) 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]**.

(h) 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/-
07/06/2021

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,
KODUMUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MALAYAMPALAYAM POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.6375

CRL OP.8842/2021

Date :07/06/2021

TA-22/06/2021