

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl. O.P. No.8672 of 2021

M.Dinesh Kumar

.. Petitioner/ Accused No.6

Vs.

The State Represented by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
[Crime No.1867 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under
Section 438 of Criminal Procedure Code.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioner, who apprehends arrest for the alleged offences under Section 399 of I.P.C., in Crime No.1867 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused tried to commit the robbery in any one of the house in Madukarai. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has already filed an Anticipatory Bail Petition before this Court in Crl.O.P.No.2112 of 2021 and the same was allowed on 23.02.2021 with certain conditions. The petitioner could not comply with the conditions imposed by this Court since he was suffering from fever and cough and he could not communicate the same to his Advocate. Further, he submitted that the non-compliance of conditions by the petitioner was neither wilful nor wanton. However,

on instructions, the learned counsel for the petitioner submits that without prejudice to the rights of the petitioner, the petitioner is ready to deposit an amount of Rs.5,000/- to the Chief Justice Relief Fund. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner who is the 6th Accused failed to comply with the conditions imposed by this Court and avail the order of Anticipatory Bail already granted. This is the second petition filed by petitioner and hence, opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side and the further fact that the petitioner is ready to abide by any condition that may be imposed by this Court, including deposit of any amount as may be directed, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:

6.Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) and on such deposit 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, Madukkarai 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, the 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 for a period of two weeks and thereafter 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 themselves 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/-

06/05/2021

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,
MADUKKARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SECTION OFFICER
ACCOUNTS SECTION,
THE CHIEF JUSTICE RELIEF FUND,
HIGH COURT, MADRAS.

CC to M/S.R.RADHA PANDIAN Advocate on payment of necessary charges

CRL OP.8672/2021

Date :06/05/2021

cs 07/07/2021