

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P. No.8735 of 2021

1.Ramar
2.Sellaperumal

.. Petitioners/ Accused

Vs.

The State Represented by
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
[Crime No.171 of 2021]

.. Respondent/ Complainant

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

For Petitioners: Mr.E.Balamurugan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

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

The petitioners, who apprehend arrest for the alleged offence under
Sections 379 and 294(b) of I.P.C. in Crime No.171 of 2021 on the file of
the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners have
stolen the Tractor of the defacto complainant along with agricultural
materials and are abusing the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that
the petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. However, on instructions, the
learned counsel for the petitioners submits that without prejudice to
the rights of the petitioners, the petitioners are ready to deposit non-
refundable amount of Rs.10,000/- to the Chief Justice Relief Fund.
Accordingly, he prayed for grant of anticipatory bail to the
petitioners.

4.The learned Government Advocate appearing for the respondent would submit that the petitioners have no previous case and the property stolen were now recovered and opposed for granting anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side and the further fact that the petitioners who are first time offenders are 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 petitioners on certain conditions:

6.Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) and on such deposit 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 on which the order copy made ready, before the learned Judicial Magistrate-II, Perambalur on condition that the petitioners shall each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial; and

[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 petitioners 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-II,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.E.BALAMURUGAN Advocate on payment of necessary charges SR.NO. 5887

WEB COPY

CRL OP.8735/2021

Date :06/05/2021

MN-12/05/2021