

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8831 of 2021

Shanawaz

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kurisilpet Police Station,
Tirupattur District.
(Crime No.51 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.51 of 2021 on the file of respondent police.

For Petitioner : Mr.R. Parthiban

For Respondent : Mr.T. Shunmugarajeswaran
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Section 392 of I.P.C, in Crime No.51 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that when he was proceeding in a two wheeler along with her sister and her husband as pillion riders, the petitioner and other accused came behind the two wheeler of the defacto complainant and snatched the mobile phone and pushed the defacto complainant. Hence the complaint.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl side) appearing for the respondent would submit that the petitioner snatched the cell phone

of the defacto complainant and pushed him from the two wheeler, due to which the defacto complainant sustained injuries. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case , this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions

6. 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 on which the order copy made ready, before the learned Judicial Magistrate Court No.II, Tirupattur 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 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 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/-

12/05/2021

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,
NO.II, THIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

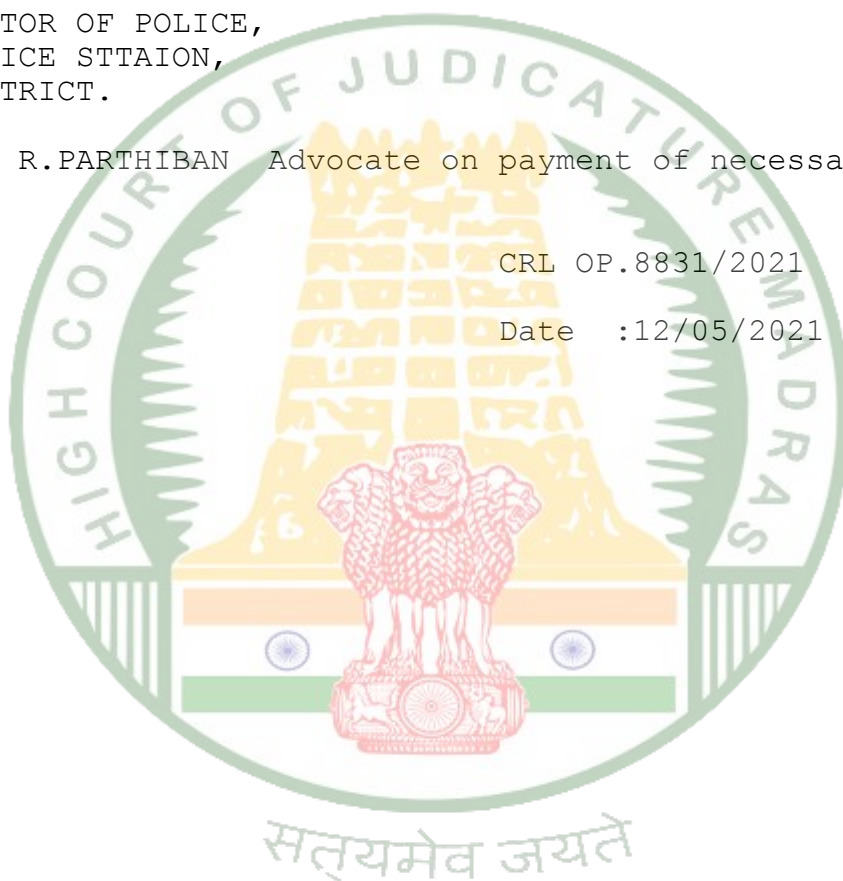
4 THE INSPECTOR OF POLICE,
KURISILPET POLICE STATION,
TIRUPATTUR DISTRICT.

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

CRL OP.8831/2021

Date :12/05/2021

TA-02/07/2021



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