

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9021 of 2021

1. Raj Pandiyan
2. Kotteeswaran

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Vellore North Police Station(Crime),
Vellore Town,Vellore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of his arrest
in Crime No.132 of 2021 on the file of the respondent police.

For Petitioners: Mr.S.Silambuselvan

For Respondent : Mr.A.Damodaran
Government Advocate(Crl side)

O R D E R

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 379 of
IPC, in Crime No.132 of 2021, seek anticipatory bail.

2. It is the case of the prosecution that the defacto
complainant's cell phone was snatched by the petitioners along with
other accused. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the
petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. Therefore, he prays to grant
anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent
would submit that the petitioners along with other accused snatched
the mobile phone of the defacto complainant. Further he submitted
that there is no previous case is pending against the petitioners.
However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned The Judicial Magistrate No.4, Vellore, on condition that each of the petitioners shall execute a separate 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.

[e] On breach of any of the aforesaid conditions, the learned Magistrate 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/05/2021

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.4, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION CRIME,
VELLORE DISTRICT.

CC to S.SILAMBUSELVAN Advocate on payment of necessary charges

CRL OP.9021/2021

Date :27/05/2021

RVR 05/07/2021