

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9011 of 2021

Vijayakumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Muthupettai Police Station,
Thiruvarur District
Crime No.255 of 2021.

.. 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.255 of 2021 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police, for the alleged offences under Sections 341, 294 (b), 392 and 506(ii) of IPC, in Crime No.255 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.03.2021 at about 1.00 p.m., when the de-facto complainant was proceeding in his TATA ACE bearing Registration No.TN 50 K 0254, three unknown persons waylaid him, abused him in filthy language and took away a mobile phone from his pocket and thereafter, escaped from the scene of occurrence. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and and he has been falsely implicated in this case. He would further submit that A1 in this case was arrested and enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the stolen property has been recovered and there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also taking note of the fact that the property involved in this case has been recovered and there is no previous case as against the petitioner and also the similarly placed co-accused/A1 was enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Thiruthuraipoondi, Thiruvarur District, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen 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 daily at 10.30 a.m until further orders.

[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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

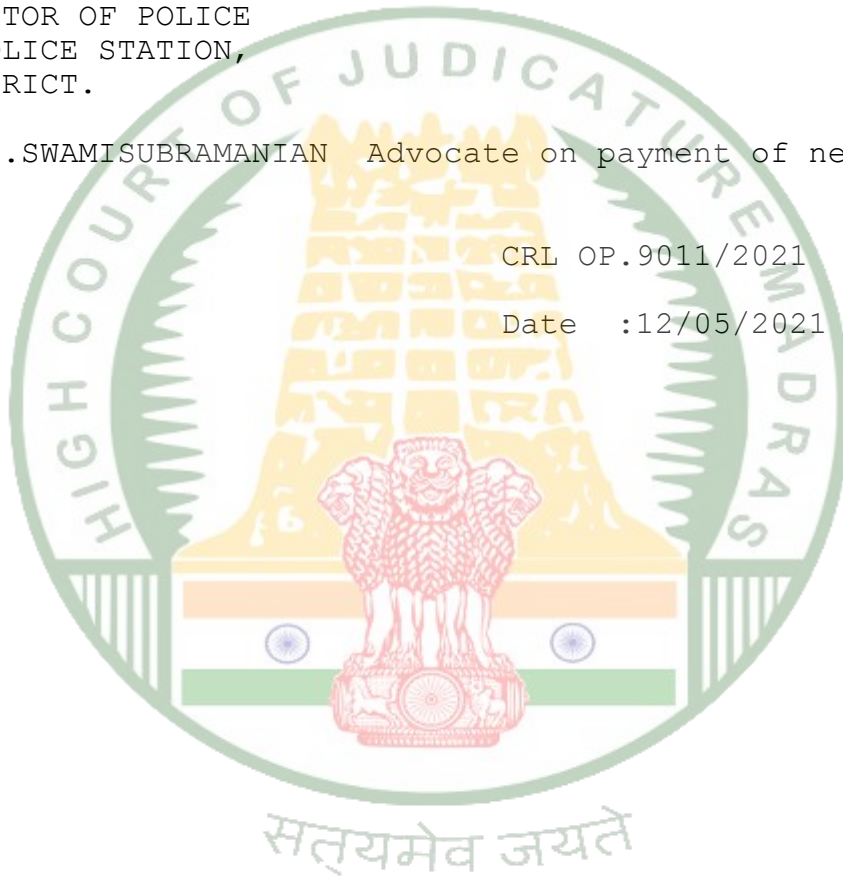
4 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.9011/2021

Date :12/05/2021

TA-02/07/2021



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