

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25..06..2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.10702 of 2021

S.Vignesh

... Petitioner

-Versus-

State Rep. by
The Inspector of Police,
Mangadu Police Station,
Kanchipuram District.
[Crime No.7 of 2021]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of The Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of arrest in Crime NO.7 of 2021 pending on the file of the respondent police.

For petitioner : Mr.M.Prabhakar

For Respondent : Mr.C.E.Pratap,
Government Advocate (Criminal Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.7 of 2021 on the file of the respondent police registered for the alleged offence u/s 379 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had stolen a two wheeler and sold the same.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he had no bad antecedents. The learned counsel further submitted that co-accused, who was arrested and remanded to judicial custody, has already been released on bail. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

5. The learned Additional Public Prosecutor opposed the petition stating that investigation is pending and there is one previous case reported as against the petitioner.

6. The occurrence was on 02.01.2021. The petitioner is said to have been arrayed as A2. A1, who was arrested and remanded to judicial custody had been released on bail. Considering the fact that A1 had already been released on bail and the other facts and circumstances of the case, more particularly, Covid19 pandemic situation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Sriperumbudur, on executing 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:

[b] 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.

[c] the petitioner shall report before the respondent police as and when required by the police for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 himself /Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/06/2021

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.I, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.PRABHAKAR Advocate on payment of necessary charges
sr.6865

CRL OP.10702/2021

Date :25/06/2021

RVR 08/07/2021