IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HON'BLE MRS. JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9765 of 2021

L.Arun Kumar ... Petitioner

Vs.

State rep by ... Respondent
The Inspector of Police,
F-4, Thousand Lights Police Station,
Chennai.
(Crime No.247 of 2018)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.247 of 2018, on the file of the respondent Police.

For Petitioner : Mr.B.Vignesh

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.247 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The offences alleged against the petitioner is theft / snatching of Mobile phone. The 3rd accused, who is the owner of the two wheeler involved in the Crime, has been arrested and enlarged on bail. The petitioner is the 2nd accused.

3.Mr.L.Baskaran, learned Government Advocate (Crl. Side) appearing for the respondent would submit that there is no previous case against the petitioner. It is also stated that the Police could not seize the Mobile phone as the same has been sold to some unknown person and also stated that the value of the phone is about Rs.4,000/-.

4. In view of the above, I am of the opinion that the petitioner could be granted anticipatory bail. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned IX Metropolitan Magistrate, Saidapet within 15 days from the date of resumption of regular hearings in the Trial Court, subject to the following conditions:

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[a] The petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) along 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;

[b] the petitioner shall also deposit a sum of Rs.4,000/- (Rupees Four Thousand only), being the value of the mobile phone, in favour of the defacto complainant, at the time of submitting bail bond before the IX Metropolitan Magistrate, Saidapet. The Judicial Magistrate concerned shall entertain the bail bond only on production of proof for payment of the said sum;

[c] the petitioner 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;

[d] the petitioner shall report before the respondent police as and when required for interrogation;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]***;

[h] if the accused person thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

5.Considering the present situation, the petitioner is granted 15 days time to execute the bond and furnish sureties from the date of commencement of regular functioning of the court below. In the event of violation of any of the conditions, the anticipatory bail granted will stand automatically cancelled.

-sd/-
03/06/2021

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.

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TO

1 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-4 THOUSAND LIGHTS POLICE STATION.

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

CRL OP.9765/2021

Date :03/06/2021

TA-13/07/2021

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