

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10121 of 2021

Sathish @ Sathish Kumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
S-11, Tambaram Police Station,
Kanchipuram District.
(Crime No.164 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail on the event of arrest in the hands of respondent police in Crime No. 164 of 2021 on the file of S-11, Tambaram Police Station, Kanchipuram District.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 392, 397, 336, 427 and 506(ii) of IPC, in Crime No. 164 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant by name Kamaraj was threatened with knife by the petitioner and two other accused who demanded money from the de facto complainant and snatched a sum of Rs.1000/- from the de facto complainant's pocket.

3. However, it is the case of the petitioner that he is no way involved in the alleged offence. It is also his case that the other accused viz., A2 and A3 are not known to him and a false case has been foisted against him by the respondent police.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is the 3rd accused and the remaining two accused were already arrested by the respondent police and they were enlarged on bail by the Judicial Magistrate Court.

5. In view of the fact that the petitioner/A3 has not involved in any previous cases and in view of the fact that the remaining two accused viz., A1 and A2 were arrested and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfillment of the following conditions.

6. Accordingly, the petitioner/A3 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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Tambaram, 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] 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.

[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 petitioners 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
09/06/2021

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
S-11, TAMBARAM POLICE STATION,
KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10121/2021

Date :09/06/2021

MK:12/07/2021

WEB COPY