

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.OP.No.10408 of 2021

Raja

... Petitioner

Versus

State Rep. by
The Inspector of Police,
V-7, Nolambur Police Station,
Chennai District.
(Cr.No.521 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent Police in Crime No.521 of 2021 on the file of the respondent Police.

For Petitioner : Mr.D.Prabu

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 380 and 454 of IPC in Cr.No.521 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have broken the window of the TASMACH Shop and stolen the liquor bottles.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner along with other accused persons break open to window of the TASMACH Shop and stolen away liquor bottles worth about Rs.6,33,100/- and the same was recovered.

5. Taking into consideration of the facts and circumstances and also submissions made by the learned counsel on either side and the case property has been recovered by the respondent police, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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, Ambattur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
17/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION,
CHENNAI DISTRICT.

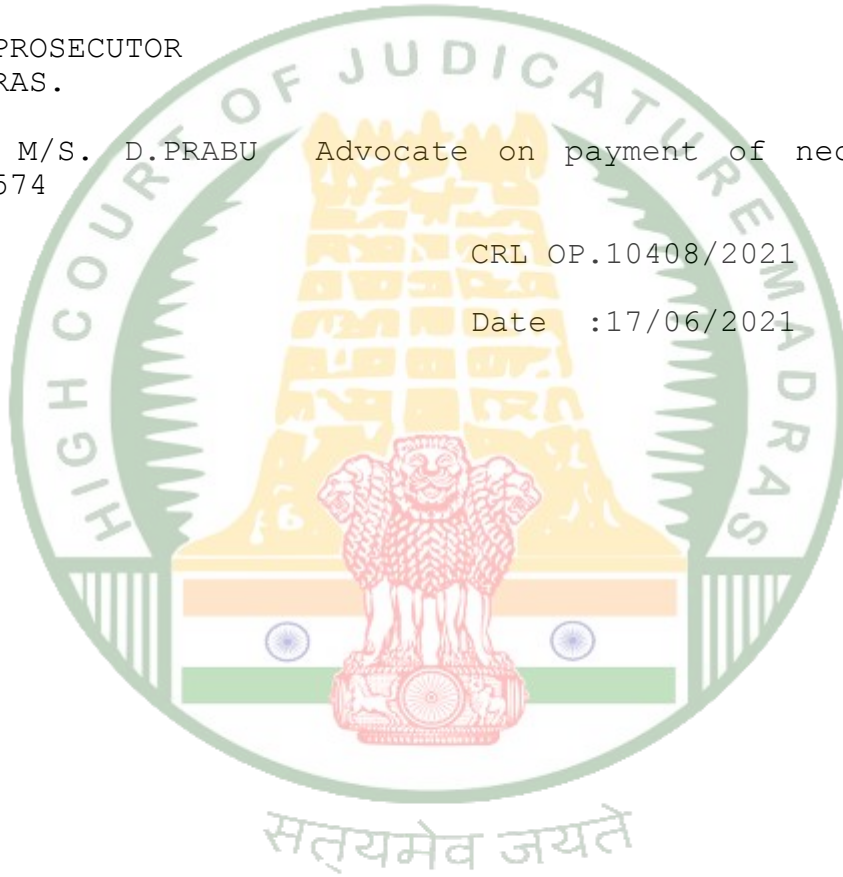
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.PRABU Advocate on payment of necessary
charges SR NO.6574

CRL OP.10408/2021

Date :17/06/2021

MK:08/07/2021



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