

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10560 of 2021

T.Kishore

...Petitioner

Versus

State represented by
The Inspector of Police,
K-7, I.C.F.Police Station,
Chennai.
(Crime No.91 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of apprehending arrest in the Crime No.91 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Sivanesan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 454 and 380 IPC in Cr.No.91 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had lodged a complaint that computer peripherals, cash etc., were stolen by the breaking open the door of his house and it was worth about Rs.55,000/-. Based on the complaint, the respondent police arrested the accused persons.

3.The learned counsel appearing for the petitioner submits that the petitioner have not committed any offence as alleged by the prosecution and he have been falsely implicated in this case and prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons were stolen things worth about Rs.55,000/- and it has been recovered in part.

5. Considering the nature of case and recovery of part of the stolen articles, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned V Metropolitan Magistrate, Egmore, Chennai 8, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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/-

22/06/2021

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI-8.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
K-7, I.C.F. POLICE STATION,
CHENNAI.

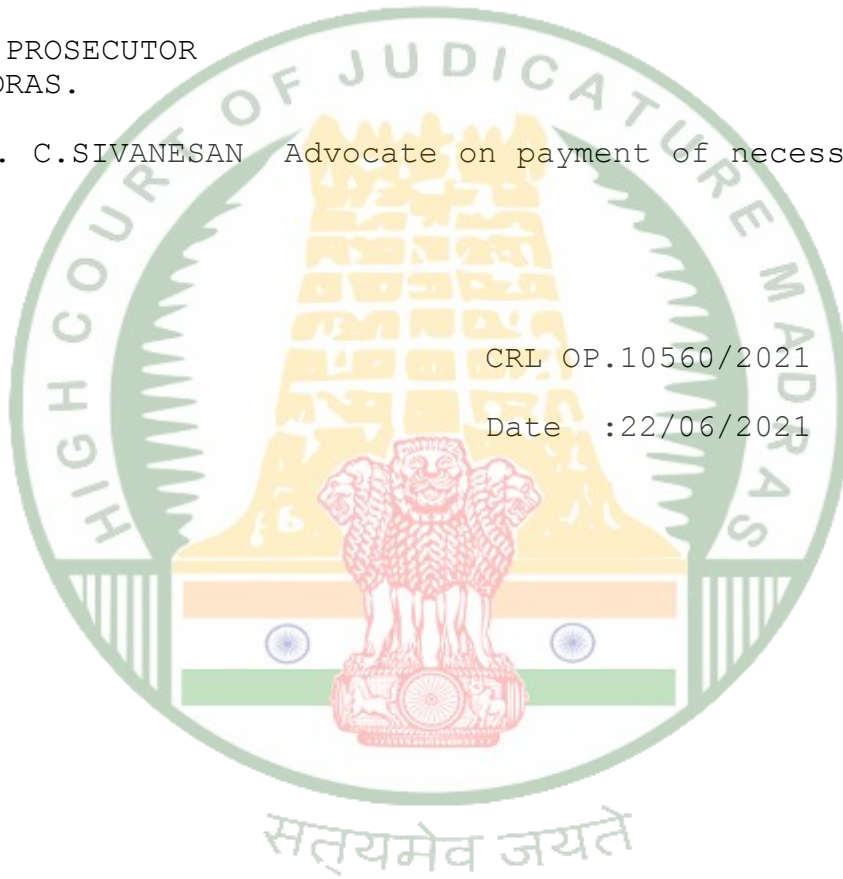
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.SIVANESAN Advocate on payment of necessary charges
SR.6673

CRL OP.10560/2021

Date :22/06/2021

RVR 08/07/2021



WEB COPY