

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10650 of 2021

R.Nandha Kumar

... Petitioner

Vs.

The State

Represented by

Inspector of Police,

E-2, Peelamedu(Crime)Police Station,
Coimbatore.

(Crime No.418 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to grant anticipatory bail to the petitioner pertaining to the FIR in Crime No.418 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Parthasarathy

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 457 and 380 in CrimeNo.418 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.05.2021, when the defacto complainant inspected the TASMAC Shop No.1570, he found that backside wall of the TASMAC shop was broken and some of the liquor bottles were found to be missing which was worth about Rs.2,37,000/-. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner was called upon by the respondent police for enquiry pertaining to this case and the respondent police has illegally seized the petitioner's car bearing

Regn.No.TN-38-BK-5716 from his home which the petitioner had borrowed from his friend. On instructions he would further submits that without prejudice to their defence and contentions, the petitioner is ready to deposit a sum of Rs.1,00,000/- in favour of the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of anticipatory bail by stating that backside wall of the TASMAC shop was broken and some of the liquor bottles were found to be missing which was worth about Rs.2,37,000/-. He further submits that there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, 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 -II, Coimbatore 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) the petitioner shall to deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft in favour of defacto complainant and produce proof of such payment of the above amount to the learned Judicial Magistrate -II, Coimbatore , at the time of release on bail;

(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., for a period of two weeks and thereafter as and when required.

(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/-

21/06/2021

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.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
E2, PEELAMEDU (CRIME) POLICE STATION,
COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. A.PARTHASARATHY Advocate on payment of necessary charges

CRL OP.10650/2021

Date :21/06/2021

RVR 12/07/2021