

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10751 of 2021

Madhesh

...Petitioner

Versus

State represented by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.107 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.107 of 2021 on the file of the respondent.

For Petitioner : Mr.R.Thirumoorthy

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 294(b), 364(A), 506(ii) IPC in Cr.No.107 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, while was in jail in a Criminal Case, has got friendship of the petitioner. On 27.04.2021, the petitioner contacted the complainant and told him to get ration rice from him. Believing that, the complainant went to meet the petitioner. But the petitioner threatened him with dire consequences and take away his money and car. Hence he lodged a complaint before the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence. He has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that the stolen articles have been recovered on the same day itself.

5. Considering the fact of recovery of articles, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 Judicial Magistrate No.II, Hosur, 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 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

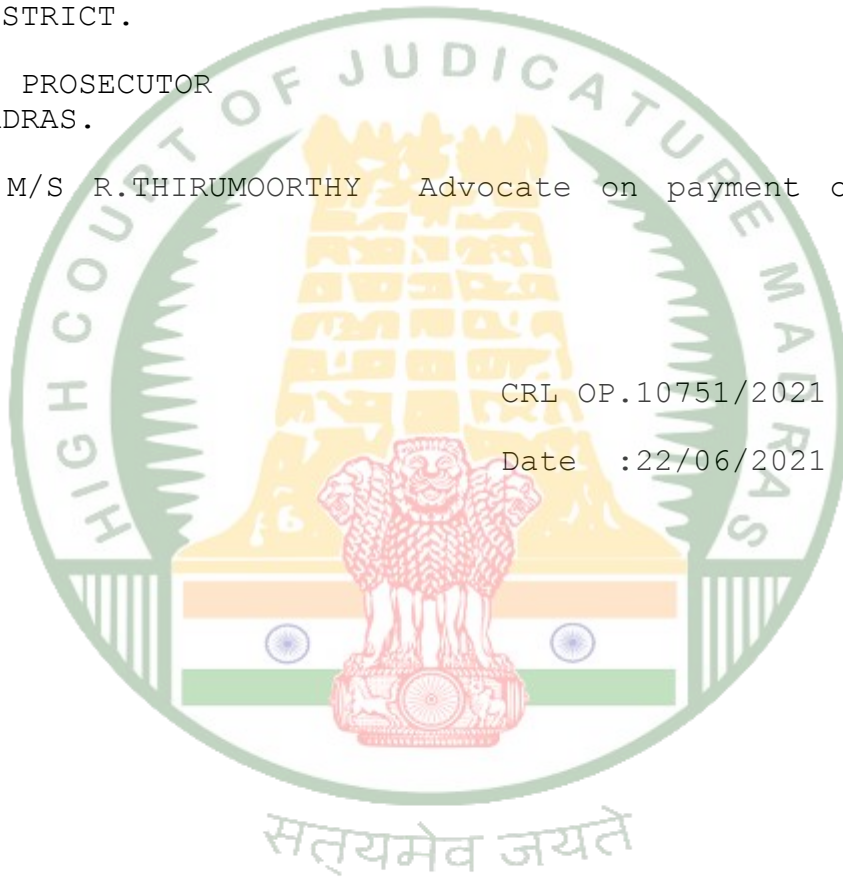
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.THIRUMOORTHY Advocate on payment of necessary
charges

CRL OP.10751/2021

Date :22/06/2021

RVR 12/07/2021



WEB COPY