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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11680 of 2021

Anto Gigin @ Guna

..Petitioner

-Vs-

State, represented by
The Inspector of Police,
V-7, Nolambur Police Station,
Chennai District.
Crime No.521 of 2021

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest concerned in Crime No. 521 of 2021, on the file of the Inspector of Police, V-7, Nolambur Police Station, Chennai District.

For Petitioner : Mr.D.Prabu

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

ORDER

(The Case has been heard through Video Conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 380 and 454 of IPC, in Crime 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 No.8766 situated at Nolambur and stolen the liquor bottles worth of Rs.6,33,100/- and the same was recovered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused person was granted anticipatory bail by this Court in Crl.O.P.No.10408 of 2021 dated 17.06.2021. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner along with other accused



persons break open to window of the TASMAL Shop and stolen away liquor bottles worth about Rs.6,33,100/- and the same was recovered. He further submitted that there is no previous case against the petitioner.

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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.

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-sd/-
07/07/2021

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,
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.

CC to M/S.D.PRABU Advocate on payment of necessary charges
Sr.7126

CRL OP.11680/2021

Date :07/07/2021

RVR 23/07/2021