



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.12042 of 2021

1. Kannan
2. Raja @ Rotti Raja
3. Thiyagarajan

... Petitioners

Vs.

The State Represented by :-
The Inspector of Police,
Karumalaikkodal Police Station,
Salem District.
(Crime No.115 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.115 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.M.Senthilkumar

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

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 399 of IPC in Cr.No.115 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 24.06.2021, when the respondent police conduct raid near Thotilpatti, the petitioners appear to have planned to commit dacoity to the persons who come on the way.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and they are innocents and the respondent police have registered a false case against the petitioners and as such only based on the confession given by A1, the petitioners names were implicated as an accused in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that there are two previous cases pending against the first petitioner/A2 and there are three previous cases pending against the second petitioner/A3 and there is no previous case pending against the third petitioner/A5.



5. Considering the fact that the petitioners 1 & 2 are habitual offenders, this Court is not inclined to grant anticipatory bail to the them. Considering the fact that there is no previous case pending case against the 3rd petitioner/A5, this Court is inclined to grant anticipatory bail to him.

6. Accordingly, the 3rd 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, Mettur, Salem District, on condition that the 3rd petitioner shall execute separate 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:

(a) the 3rd 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;

(b) the 3rd 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 for interrogation;

(c) the 3rd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 3rd petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

7. In the result, the Criminal Original Petition is dismissed as against the petitioners 1 & 2 and this petition is ordered insofar as the 3rd petitioner concerned.

-sd/-

14/07/2021

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12042/2021

Date :14/07/2021

RW 22/07/2021