



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12660 of 2021

WEB COPY

Ansar Basha

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
Cr.No.138/2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.138 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.R.Annagandhi

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

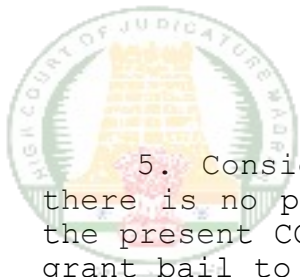
ORDER

The petitioner, who was arrested on 17.06.2021 and remanded to judicial custody for the offences under Section 399 of IPC in Cr.No.138 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police conducted regular check up, the petitioner and other accused persons appear to have planned to commit dacoity to the public and they have kept weapons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and due to statistical purpose, the respondent police registered a false case against the petitioner and he has not committed any offence as alleged by the prosecution. Co-accused have been arrested and released on bail by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and hence, he vehemently opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case and there is no previous case pending against the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Denkanikottai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(d) the 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.

-sd/-
22/07/2021

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12660/2021

Date :22/07/2021

MK:23/07/2021