



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15342 of 2021

1 HARISH
2 RAJKAMAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.712 OF 2021.

[RESPONDENT]

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence punishable under Section 392 of IPC in Crime No.712 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that petitioners along with some others way laid the defacto complainant and snatched his cell phone. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits the petitioners are no way connected with the offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the alleged cell phone was recovered and the main accused were arrested and released on bail by the Judicial Magistrate No.1,Thiruvallur in Crl.MP.No.3685 of 2021 dated 02.07.2021. Therefore,he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioners herein are arrayed as A3 and A4 respectively. There are four previous cases against A3/Harish which are similar in nature and there is no previous case against A4/Raj Kamal. He further submits that the property (cell phone) has been recovered.



5.Considering the fact that the property has recovered and A3/Harish is having three previous cases, this court is not inclined to grant anticipatory bail to the 1st petitioner/A3/Harish. With regard to A4/Raj Kamal, there is no previous case against A4, this court is inclined to grant anticipatory bail to the 2nd petitioner/A4/Rajkamal.

6.Accordingly, the 2nd petitioner/Raj Kamal 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.1, Thiruvallur, 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 2nd 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks until further orders;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner is 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. This Criminal Original Petition is dismissed as
against 1st petitioner/A3/Harish.

-sd/-

26/08/2021

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.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
sr.9194

CRL OP.15342/2021

Date :26/08/2021

RVR 14/09/2021