



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15928 of 2021

1 N.PRABAGARAN @ ILAYARAJA [PETITIONERS / ACCUSED]
2 ARUMUGAM
3 BASKAR

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI,
THIRUPATHUR DISTRICT-635751,
(CR NO.537/2021)

For Petitioner : M/S.R.KRISHNAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b) and 395 of IPC in Crime.No.537 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and others had played a gambling game i.e. Rammi with the defacto complainant, from which, the defacto complainant earned a sum of Rs.5,00,000/- and that amount was snatched by the petitioners and others and escaped from the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case. He further submits that already the co-accused were enlarged on bail by this court in Crl.OP.Nos.13423 and 13600 of 2021 dated 03.08.2021 and 03.09.2021 respectively. He further submits that the robbed amount was also recovered from the respective accused persons. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that already co-accused were enlarged on bail and the robbed amount was recovered from the respective accused persons.

5. Considering the submissions made by both counsel and the fact that already co-accused were enlarged on bail and the stolen amount was recovered, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-Cum-District Munsif, Vaniyambadi on condition that each of the petitioners 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:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

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

(d) the petitioners 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/-

03/09/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI,
THIRUPATHUR DISTRICT-635751.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.15928/2021

Date :03/09/2021

CSK 27/09/2021