

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20680 of 2020

Udhayakumar

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Kandili Police Station
Vellore District.
(Crime No.811/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to grant an anticipatory bail to the petitioner in the event of his arrest in Crime No.811 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. B.Sundarapandiyan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 397, 120(b), 395 and 307 IPC in Crime No.881 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that totally there are twelve accused involved in this case and the petitioner is ranked as A8. The allegation is that five persons said to have entered into the defacto complainant's shop and stolen a sum of Rs.15,000/- from the shop and attacked the defacto complainant and his brother with knife and caused injury. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. It is further stated that based on the confession given by the co-accused, he has been falsely implicated in this case. He would further submit that co-accused has already been released on bail. Hence, he prays for grant of anticipatory bail to the

4. The learned Additional Public Prosecutor would submit that totally twelve accused involved in this case. Out of twelve persons, seven were already arrested and released on bail and four persons were detained under Tamil Nadu Act 14, 1982 under Goondas Act. He would further submit that insofar as this petitioner is concerned, there is no previous case pending against him.

5. Taking into consideration the nature of offence and also taking note of the fact that the co-accused has already been arrested and released on bail and that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the 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 on which the order copy is made ready, before the learned Judicial Magistrate II, Thirupattur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 shall report before the respondent police daily twice at 10.30 a.m. 5.30 p.m. 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/01/2021

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.II, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANDHILI POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S. B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.No.843

सत्यमेव जयते

CRL OP.20680/2020

cs 02/02/2021

Date :25/01/2021

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