

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.19974 of 2020

Manimaran

.... Petitioner

Vs.

The state represented by
The Inspector of Police,
Olakkur Police Station
Villupuram.
(Crime No.1116 of 2020).

.... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.1116 of 2020 on the file of the respondent police.

For Petitioner : Mr.P. Bakiyaraj

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 392 of I.P.C, in Crime No.1116 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner/A3 is a auto driver and other accused persons A1 and A2 were travelling in the auto in which the defacto complainant is also travelling. In the pretext of helping the defacto complainant A1 and A2 snatched 2.2 sovereign of gold from the defacto complainant and escaped from the scene of occurrence. Hence the complaint.

3.The learned counsel for the petitioner would submit that only based on the confession statement of the main accused persons/A1 and A2 the petitioner has been implicated in this case. He would further submit that the petitioner is only a auto driver and he did not commit any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner/A3 along with other accused persons snatched 2.2 sovereign of gold from the defacto complainant. He would further submit that the other accused persons A1 and A2 were already arrested and released on bail and the stolen gold was also recovered. However, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case the submission made by the learned Additional Public Prosecutor that the stolen gold was recovered and the other accused persons were already arrested and granted bail, this Court is inclined to grant anticipatory bail to the petitioner with stringent 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 made ready, before the learned Judicial Magistrate Court No.I, Tindivanam, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 at 10.30 a.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 absconds, 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.I, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILLUPURAM.

+1 CC to M/S.P.BAKIYARAJ Advocate on payment of necessary charges SR NO. 951

CRL OP.19974/2020

Date :25/01/2021

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MN-01/02/2021