

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19928 of 2020

1.Asen Valiulla
2.Firodhosh Shanbasha
3.Rajak

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Ayilpatty Police Station,
Namakkal District.
(Crime No.547 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.547 of 2020 on the file of the respondent police.

For Petitioners : Mr.V. Sakkarapani

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 381 of I.P.C in Crime No.547 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that due to some personal work he went to out of city and when he returned back 11 sovereigns of gold jewels were missing in his house. It is further alleged at the time of occurrence false ceiling works was done by some labourers. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the said offence and they have been unnecessarily implicated in this case. Therefore, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that as the petitioners are in the house of the defacto complainant at the time of occurrence, their custodial interrogation is necessary for the purpose of investigation. Therefore, he opposed for grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

a) 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 on which the order copy is made ready before the Judicial Magistrate, Rasipuram on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AYILPATTY POLICE STATION,
NAMAKKAL DISTRICT.

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

सत्यमेव जयते

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CRL OP.19928/2020
Date :25/01/2021

cs 10/02/2021