

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.19896 of 2020

Balavenkatesh

.... Petitioner

Vs.

The state represented byRespondent

The Inspector of Police,
Variety Hall Road Police Station
Coimbatore.

(Crime No.1115 of 2020).

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.1115 of 2020 on the file of the respondent police.

For Petitioner : Mr.K. S. Kaviarasu

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 380(2) and 411 of I.P.C, in Crime No.1115 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 along with other accused have stolen valuable idol weighing about 200 grams from the temple and tried to sell them in the market. Hence the complaint.

3.The learned counsel for the petitioner would submit that the Court below already granted interim anticipatory bail to the petitioner. As the petitioner was affected by Covid-19 and his father was also died he is unable to appear before the Court below. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner/A2 along with other accused persons have stolen the idol. He would further submit that the idol has been recovered and major part of investigation is over. He would also submit that the other accused persons were already arrested and granted bail. However, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also the submission made by the learned Additional Public Prosecutor that the idle was recovered and other accused persons were already arrested and granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 No.5, Coimbatore, 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 10.30a.m and 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 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

TO

1 THE JUDICIAL MAGISTRATE,
NO.5, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VARIETY HALL ROAD POLICE STATION,
COIMBATORE.

+1 CC to M/S K.S.KAVIARASU Advocate on payment of necessary
charges SR.NO.889

CRL OP.19896/2020

Date :25/01/2021

TA-02/02/2021



WEB COPY