

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20112 of 2020

Vinnarasan

... Petitioner/ Accused

Vs.

The State, represented by,
The Inspector of Police,
G-5 Chunampet Police Station,
Chunampet,
Kancheepuram District.
(Crime No.1485 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in connection with Crime No.1485 of 2020, on th file of the Inspector of Police, G-5 Chunampet Police Station, Krishnagiri District.

For Petitioner : Mr.A.Akash

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner was arrayed as Accused No.2. He has been implicated in the crime for the offence punishable under Section 379 IPC, in Crime No.1485 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant has lodged a complaint on 16.10.2020 alleging that the petitioner has stolen Oil Engine Pump set from the well of the defacto complainant's land, worth about Rs.8000/-. Hence the present complaint has been filed.

3. The learned counsel for the petitioner submitted that the other main accused namely A1 was arrested and he was already released on bail. Accordingly the petitioner prays for grant of anticipatory bail to the petitioner/A2.

4. The learned Additional Public Prosecutor submitted that that there is one previous case pending against the petitioner. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the Co accused namely A1 has been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

[a] Accordingly, the petitioner/A2 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court at Cheyyur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

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

[e] the petitioner 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 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].

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

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

-sd/-
07/01/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-5 CHUNAMPET POLICE STATION,
CHUNAMPET, KANCHEEPURAM DISTRICT.

+1CC to M/S.A.AKASH Advocate on payment of necessary charges
SR NO.285

CRL OP.20112/2020

Date : 07/01/2021

MK:20/01/2021

WEB COPY