



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19389 of 2021

VIGNESHKUMAR @ PRABHU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ANDIMADAM TALUK,
ARIYALUR DISTRICT.
CR NO.666/2021

[RESPONDENT]

For Petitioner : M/S.P.PARTHI KANNAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

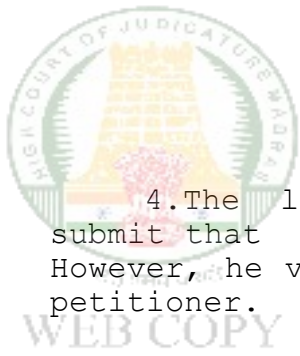
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC, in Crime No.666 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint on 04.09.2021 against unknown accused. On 25.08.2021 night at 11.00 p.m., he parked two wheeler in front of the house and found missing at midnight, hence he filed complaint before the respondent police on 04.09.2021. Therefore, the FIR has been registered in Crime No.666 of 2021 on the file of the respondent police. After investigation the respondent police has arrested the two persons. Based on the confession statement given by the Accused-2, the petitioner was implicated in this case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and based on the confession of Accused-2 the petitioner has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor (Crl.Side) would submit that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the petitioner was subsequently implicated in this case based on the confession statement given by the second accused in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Jayankondam, Ariyalur District, 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 sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate II, Jayankondam, Ariyalur District may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and shall stay at Salem and report before the Inspector of Police, Azhagapuram Police Station, daily at 10.00 a.m., until further orders and the petitioner shall not enter into the jurisdiction of the respondent police.

(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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
12/10/2021

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- II,
JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR DISTRICT (FOR INFORMATION) .

3 THE SUB INSPECTOR OF POLICE,
ANDIMADAM POLICE STATION,
ANDIMADAM TALUK,
ARIYALUR DISTRICT.

4 THE INSPECTOR OF POLICE,
AZHAGAPURAM POLICE STATION.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.P.PARTHI KANNAN Advocate on payment of necessary charges SR.NO.11400

CRL OP.19389/2021

Date :12/10/2021

INBA-18/10/2021