



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

Monday, the Twenty Fifth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19757 of 2021

EBENEZER @ VIJAYA KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
P-5, MKB NAGAR POLICE STATION,
CHENNAI - 600 039.
CRIME NO.1097 OF 2021.

For Petitioner : M/S. G.VINODH KUMAR Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 294(b), 392, 506(i) of IPC in Crime No.1097 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working in food delivery company and when the de-facto complainant went to deliver food at 1.00 a.m to the petitioner, the petitioner along with other accused persons received the food and robbed the mobile phone, two-wheeler and a cash of Rs.200/- from the de-facto complainant and abused him in filthy language and threatened him with dire consequences. Hence, this complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he further submits that the petitioner, without prejudice to his rights, on his own volition, is ready to deposit Rs.20,000/- before the trial Court, that may be disbursed in favour of the de-facto complainant. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submitted that the petitioner along with other accused persons robbed the mobile phone, two-wheeler and a cash of Rs.200/- from the de-facto complainant and abused him in filthy language. He further submitted that the two-wheeler has been recovered from the petitioner and returned to the de-facto complainant and also no one sustained injuries. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner himself has come forward to deposit Rs.20,000/-, this Court is inclined to grant anticipatory bail to the petitioner. However, two weeks time is granted to the petitioner for depositing the amount before the trial court and on such deposit, the trial Court shall disburse the said amount to the de-facto complainant within a period of two weeks under necessary acknowledgment.

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 of receipt of a copy of this order, before the learned Xth Metropolitan Magistrate Egmore, 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 or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only), without prejudice to his defence before the trial Court and the said amount shall be disbursed in favour of the de-facto complainant. The concerned Magistrate, shall accept the sureties furnished by the petitioner on such deposit being made and proof filed by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;



(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-

25/10/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
P-5, MKB NAGAR POLICE STATION,
CHENNAI - 600 039.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges SR.NO.11805

CRL OP.19757/2021

Date :25/10/2021

INBA-10/11/2021