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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21539 of 2021

R.Akash @ Jeevarasan

... Petitioner

Vs.

State, represented by
The Inspector of Police
SIPCOT Police Station
Thiruvallur District
(Crime No.388 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. praying to enlarge the petitioner on bail in the event of arrest concerned in Crime No.388 of 2021 on the file of the Inspector of Police, SIPCOT Police Station, Thiruvallur District.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 392 IPC in Crime No.388 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that 15.09.2021, the petitioner along with others robbed Rs.1300/- from the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent persons and he has been falsely implicated in this case. He would further submit that co-accused/A1 and A2 have been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised formal objection and would submit that a cell phone has been recovered and there is no previous case against the petitioner/A3.

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5. Considering the above facts and circumstances of the case and the fact that there is no previous case against the petitioner and the investigation is almost completed and co-accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Gumidipoondi, 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 conditions that:

[a] the petitioner 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.

[b] the petitioner shall report before the respondent police on every Friday at 10.30 a.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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

17/11/2021

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, GUMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges SR.NO.12956

CRL OP.21539/2021

Date :17/11/2021

RW 23/11/2021