



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22925 of 2021

M.Dinesh Kumar

...Petitioner

Versus

State rep by  
The Inspector of Police,  
Madukkarai Police Station,  
Coimbatore District.  
(Crime No.1867 of 2020)

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.1867 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Radha Pandian

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

### ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 399 of IPC in Crime No.1867 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. This is the third anticipatory bail application was filed before this Court. The case of the prosecution is that the petitioner along with other accused persons tried to commit the robbery in any one of the house in Madukkarai. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner had already filed an anticipatory bail applications before this Court in Crl.O.P.No.2112 and 8672 of 2021 and the same was allowed on 23.02.2021 and 06.05.2021 respectively. He further submitted that the petitioner could not comply with the conditions



imposed by this Court since he was suffering from fever and cough and he could not communicate the same to his Advocate. He also further submitted that the non-compliance of conditions by the petitioner was neither wilful nor wanton. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the Legal Services Authority, Coimbatore District. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons tried to commit the robbery in any one of the house in Madukarai. He further submitted that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, 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 before the **learned Judicial Magistrate, Madukkarai**, 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Legal Services Authority, Coimbatore District. within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police daily 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.

-sd/-  
02/12/2021

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,  
MADUKKARAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
MADUKKARAI POLICE STATION,  
COIMBATORE DISTRICT.

5 THE LEGAL SERVICES AUTHORITY,  
COIMBATORE DISTRICT.

+1 CC to M/S.R.RADHA PANDIAN Advocate on payment of necessary charges SR.NO. 13931

CRL OP.22925/2021

Date :02/12/2021

TA-13/12/2021