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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22292 of 2021

Nagaraj

... Petitioner

Vs.

The State rep by
Inspector of Police,
Kotturpuram Police Station,
Chennai.
Crime No.515 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C, prayed to enlarge the petitioner in the event of his arrest in Cr.No.515 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 294 (b), 392, 397, 323, 336, 427 and 506(ii) of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, when the de facto complainant was going travelling in a bike, the petitioner and others stopped the bike and robbed a sum of Rs.700/- from the defacto complainant at knife point. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner is arrayed as A1 and he has got 5 previous cases.

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5. Considering the facts and circumstances of the case and that the investigation is almost completed, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate Saidapet, Chennai 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 and on further condition that:

(a) the petitioner and 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;

(b) the petitioner shall report before the respondent police daily 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 petitioners 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.

-sd/-

25/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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1 THE IX METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI DISTRICT.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOTTURPURAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.PARTHIBAN Advocate on payment of necessary
charges SR.NO.13549

CRL OP.22292/2021

Date :25/11/2021

CSK 03/12/2021