



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

CrI.O.P.No.25270 of 2021

WEB COPY

Beter masodito @ Sagaya peter

..Petitioner

Vs.

The State represented by
The Inspector of Police,
E-3 Minjur Police Station,
Tiruvallur District.
(Crime No.725 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in event of his arrest by the respondent police concerned in Crime No.725 of 2021 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.M.Nagoor Moideen

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 393 of IPC in Crime No.725 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 17.12.2021, the defacto complainant were lodged complaint against the accused 1 and 2. They are attempt to robber with knife. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI. Side) raised objection stating that there is totally 3 accused and no previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case, 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 Court - II, Ponneri, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Tindivanam and report before the Town Police Station on every Tuesday and Subday at 10.30 a.m. for the period of two months and thereafter as and when requires for interrogation;

(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 anticipatory 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/-

22/12/2021

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,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
E-3, MINJUR POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
TINDIVANAM TOWN POLICE STATION,
TINDIVANAM.

CC to M/S.M.NAGOOR MOIDEEN Advocate on payment of necessary
charges Sr.15363

CRL OP.25270/2021

Date :22/12/2021

RVR 28/12/2021