



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

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CORAM:

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

Cr1.O.P.No.663 of 2022

Babu

.. Petitioner

Vs.

The State Rep.by  
The Inspector of Police,  
Avadi Police Station,  
Avadi, Chennai.  
Crime No.1114 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest by the respondent police in Crime No.1114 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Suresh Sankar

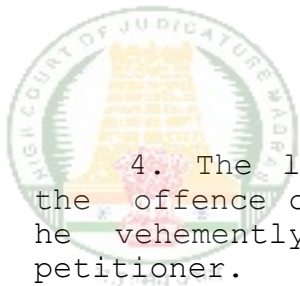
For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.1114 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 18.09.2020, the defacto complainant has lodged a complaint against the petitioner and other accused that his lorry bearing Reg.No.TN-12 AH 7027 was missing from 17.09.2020. Hence, this petition.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that in view of the confession given by the first accused, the respondent is trying to arrest the petitioner. The lorry was recovered. The first accused was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the offence committed by the petitioner is serious in nature. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also the fact that the vehicle was recovered and the first accused was 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-II, Poonamallee, Thiruvallur 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 conditions 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 on Tuesday and Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an 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 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 5663]; and;



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

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-sd/-  
12/01/2022

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,  
POONAMALLEE, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S K.G.SENTHIL KUMAR Advocate on payment of necessary charges SR.No.674

CRL OP.663/2022

Date :12/01/2022

CSK 20/01/2022