



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.584 of 2022

R.Sanjai

.. Petitioner

Vs.

The State Rep.by
The Sub-Inspector of Police,
Cheyyur Police Station,
Chengalpattu District.
Crime No.368 of 2021

...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.368 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Manimaran

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 Sections 457 & 380 of IPC in Crime No.368 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.11.2021, the petitioner along with some others has entered into the defacto complainant's house and have stolen the mobile phone. Hence, the complaint.

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 the petitioner is the friend of the main accused and the main accused was arrested and released on bail. The mobile phone was also recovered from the main accused. However, on instructions, the learned counsel would further submit



that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any charitable purpose as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and others have stolen the mobile phone from the defacto complainant and the cost of the mobile phone is Rs.30,000/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also that the investigation is almost completed and also the fact that the petitioner has wilfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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, Cheyyur, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Registered Advocate Clerk's Association, Chennai, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police on Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

(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]*; and;

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

-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,
CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
CHENNAI.

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.584/2022

Date :12/01/2022

CSK 21/01/2022