



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.1379 of 2022

1.Govindasamy
2.Silambarasan

...Petitioners

Vs.

The State Represented by
The Inspector of Police (crime),
Alangayam Police Station,
Thiruppathur District.
(Crime No.203 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.203 of 2021, on the file of the respondent Police.

For Petitioners : Mr.E.Kannadasan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Section 379 of IPC, in Cr.No.203 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.09.2021 at about 04.30 p.m., he went to Tasmac Wine Shop at Rajapalayam in his Hero Honda Splendor bearing registration No.TN-83C-2669. After purchase of liquor he return back to his house and while on the way near at Pularavappalli he stopped the vehicle and went to his personal work and thereafter he returned back where his two wheeler parked and found his two wheeler missing and he made search in and around his village, but he was unable to found, for which the defacto complainant lodged a complaint before the respondent police, resulting which, the present complaint has been filed.



3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the investigation is almost completed and the property is recovered.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed 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 Court No.III, Thiruppathur**, 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 petitioners 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 petitioners shall report before the respondent police every Monday and Friday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 petitioners in accordance with law as if the conditions has 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;



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

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-sd/-

24/01/2022

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,
NO.III, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
THIRUPPATHUR DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.1379/2022

Date :24/01/2022

TA-01/02/2022