



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1605 of 2022

Prathap

... Petitioner

Versus

The State represented by  
The Inspector of Police,  
Berigai Police Station,  
Krishnagiri District,  
Krishnagiri.  
(Crime No.118 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.118 of 2021 on the file of the respondent police.

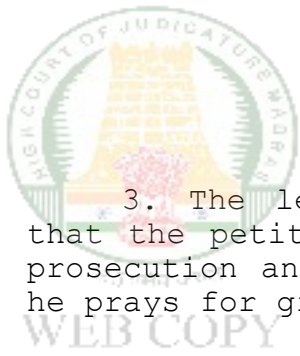
For Petitioner : Mr.W.M.Abdul Majeed for  
Mr.W.M.Abdul Azeez

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

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 392 @ 397 of IPC in Crime No.118 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was working as a Manager in SM Petrol Bunk at Pukkasagaram Village, Krishnagiri District and on 19.07.2021 when he went to deposit an amount of Rs.2,22,270/- into the bank an unknown person stopped his two wheeler and he snatched his mobile phone and the key of the two wheeler. On seeing the same, the defacto complainant ran away and while so, two more unknown persons intercepted the defacto complainant and snatched the bag with money at knife point. Hence the complaint.



3. The learned counsel appearing 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 prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the co-accused already released on bail. 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 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 District Munsif cum Judicial Magistrate - I, Hosur, Krishnagiri, 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 petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Crime No.118 of 2021 and the defacto complainant is permitted to withdraw the same within a period of two weeks from the date of receipt of a copy of this order 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders and co-operate for investigation;

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

25/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE-I,  
HOSUR, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
BERIGAI POLICE STATION, KRISHNAGIRI,  
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. W.M.ABDUL AZEEZ Advocate on payment of necessary charges SR.No.1219

CRL OP.1605/2022

Date :25/01/2022

CSK 31/01/2022