



CrI.O.P.No.3031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.3031 of 2022

S.Chandru

..Petitioner

Vs.

The State represented by
Inspector of Police,
B2 Esplanade Police Station,
Chennai.

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to grant anticipatory bail for the petitioner herein in the event of arrest by the respondent police concerned in Crime No.115 of 2019 dated 04.06.2019 on the file of the respondent police.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.S.Balaji,

Government Advocate.

ORDER

The second accused in Crime No.115 of 2019 on the file of the respondent police seeks Anticipatory Bail.



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2.This is the third application seeking Anticipatory Bail. Earlier applications had been dismissed by this Court. Even before examining the allegations as against the petitioner in Crime No.115 of 2019, it must be mentioned that against the petitioner herein, there was one previous case under Section 302 I.P.C., and in that particular case, it was stated that during the course of trial, since the petitioner had not appeared, non-bailable warrant had been issued. The said fact played in the mind of this Court and Anticipatory Bail applications filed in the earlier occasions had been dismissed.

3.It is now clarified both by the learned counsel for the petitioner and by the learned Government Advocate (Criminal Side), who appears for the respondent that even though there is an earlier case under Section 302 against the petitioner herein, warrant is not pending and the petitioner is actually appearing before the Trial Court in the said case.

4.In so far as the present case is concerned, the case of the prosecution is that on 03.06.2019, three men had snatched the bag of the



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defacto complainant in which he had a sum of Rs.1,00,000/- when he was going towards Mclean Street. In this connection, Crime No.115 of 2019 was registered under Section 392 I.P.C. The petitioner claims that he was not involved in the said case and he was innocent. A counter has been filed on behalf of the Inspector of Police, Esplanade Police Station, Chennai / respondent wherein, it had been stated that during the course of the investigation, examination of witnesses had been conducted and confessions have also been recorded and pursuant to the confession of the first accused, the role of the present petitioner herein had come to light. It was however stated owing to the Covid-19 pandemic, the petitioner could not be secured.

5.In view of the fact that as against the petitioner, it had been clarified that there is no non-bailable warrant pending, it only be appropriate that the petitioner is granted Anticipatory Bail in the present case on executing 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 Magistrate Court, George Town and on further condition that:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten



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Thousand only) to the credit of the Crime No.115 of 2019 without prejudice to their defence;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[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 petitioners in accordance with law as if the conditions have 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

6.With the above observations, this Criminal Original Petition is allowed.

25.03.2022

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Index:Yes/No

Internet:Yes/No

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Speaking/Non-speaking order

WEB COPY

To:-

- 1.The Inspector of Police,
B2 Esplanade Police Station,
Chennai.
- 2.The Magistrate Court,
George Town.
- 3.The Public Prosecutor,
High Court, Chennai.



WEB COPY



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C.V.KARTHIKEYAN, J.

KKN

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