



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3455 of 2022

D.RAMESH PRABAKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE
AMBUR TALUK POLICE STATION,
THIRUPATHUR DISTRICT.
CRIME NO. 597 OF 2021.

[RESPONDENT]

For Petitioner : M/S. G.NIRMAL KRISHNAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 392 & 394 of IPC in Crime No.597 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.12.2021, the petitioner and other accused person robbed a sum of Rs.1,45,000/- from the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that based on the confession statement given by the other accused, the respondent police now attempted to secure the petitioner. It is his specific submission that the petitioner is no way connected with the present case. Hence, he pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that the amount which was robbed at the time of occurrence was recovered, after recording the statement from the other accused and the petitioner is not having any previous case.

5. Submissions made by the learned Counsels appearing on either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 392 & 394 of IPC. Admittedly, the petitioner is the first offender and the robbed amount was recovered from the other accused, who is arrayed as A1 and therefore, the question of custodial interrogation may not be necessary for completing the investigating.

7. Taking note of all the above said aspects into consideration, particular on considering the fact that the petitioner is not having any previous case and also the entire robbed amount was recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 condition that:

(a) the petitioner and the sureties shall affix his 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 daily at 10.00 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 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;

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

-sd/-

21/02/2022

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,
AMBUR, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
TIRUPATHUR DISTRICT.

+1 CC to M/S. G.NIRMAL KRISHNAN Advocate on payment of necessary charges SR.NO. 2710

CRL OP.3455/2022

Date :21/02/2022

RW 07/03/2022