



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11610 of 2022

ANBARASAN @ ANBU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KADAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.134 OF 2022

[RESPONDENT / COMPLAINANT]

For Petitioner : M. MACHAVATHARAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.04.2022 for the alleged offence under Section 399 of I.P.C. in Crime No.134 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons has been making preparation to commit a dacoity and on a secret information, the police went to the scene of crime and apprehended of the accused persons. There are totally six (6) accused persons in this case and the petitioner has been arrayed as first accused.

3. Learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and no such crime has taken place as alleged by the prosecution. The learned counsel for the petitioner further submitted that the petitioner has suffered incarceration for more than 40 days.



4. Learned Government Advocate (Criminal Side) submitted that there are totally six (6) accused persons in this case and A.2 to A.6 were granted bail. The bail was rejected insofar as petitioner is concerned, since he has two previous cases against him under Section 302 I.P.C. The learned Government Advocate (Crl. Side) therefore sought for the dismissal of this bail petition.

5. Taking into consideration the facts and circumstances of the case and also the petitioner is in incarceration for more than 40 days, the petitioner will be entitled for bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate No.II, Villupuram, and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 A.M. and 6.30 p.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].



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

WEB COPY

-sd/-
18/05/2022

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.II, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KADAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, VILLUPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO.7575

CRL OP.11610/2022

Date :18/05/2022

JPA 20/05/2022