



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.14619 of 2022

1 MOHAMED ANSARI [PETITIONER / ACCUSED]
2 MOHAMED THOUBIC
3 RIYASDHEEN

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
ERODE.
(CRIME NO.92/2020)

For Petitioner : M/S.I.PERIASWAMY Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.92 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had lodged a complaint before the respondent police stating that his jeep bearing registration No.TN 30 E 0447 was stolen. Hence, the complaint.

3.The learned counsel for the petitioners would submit the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, he submitted that the co-accused was already arrested and released on bail. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons have stolen the defacto complainant's jeep. Further he stated that co-accused/A2 already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.



5. Considering the above fact and circumstances of the case and also the fact that A2 has already arrested and released on bail. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Gopichettypalayam, Erode on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. And 5.30. p.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

24/06/2022

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, GOBICHETTPALAYAM,
ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.I.PERIASWAMY Advocate on payment of necessary charges
Sr.9963

CRL OP.14619/2022

Date :24/06/2022

RVR 29/06/2022