

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19766 of 2018

and CRL.MP.NO.12806/2018

SEKAR,

[PETITIONER / ACCUSED]

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE,
PUDUCHATHRAM POLICE STATION,
NAMAKKAL DISTRICT.
CR. NO.225 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Petitioner : M/S.M.P.RAJAVELAYUTHAM, Advocate (CRL.MP.12806/2018)

For Respondent : MR. C.IYYAPPARAJ ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested on 03.06.2018 for the offence under Sections 392, 397 of I.P.C. in Crime No.225 of 2018 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner under the guise of asking address from the defacto complainant, who is a lady, got down from the TATA Sumo car and snatched four gold ornaments. Hence, a case has been registered as against the petitioner by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. There is no specific overtact as against the petitioner, accordingly, prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is under judicial custody for more than 76 days and there are also two previous cases of similar nature pending against the petitioner. The investigation is still pending.

5.Considering the period of incarceration, I am inclined to grant bail to the petitioner.

***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 local sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate II, Namakkal and on further condition 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., until further orders for interrogation;

(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/-
23/08/2018

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.

*** BEINNG MENTIONED AS PER ORDER OF THIS COURT DATED 24/09/2018 IN CRL.OP.19766/2018**

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE, REPRESENTED BY
THE INSPECTOR OF POLICE,
PUDUCHATHRAM POLICE STATION,
NAMAKKAL DISTRICT.

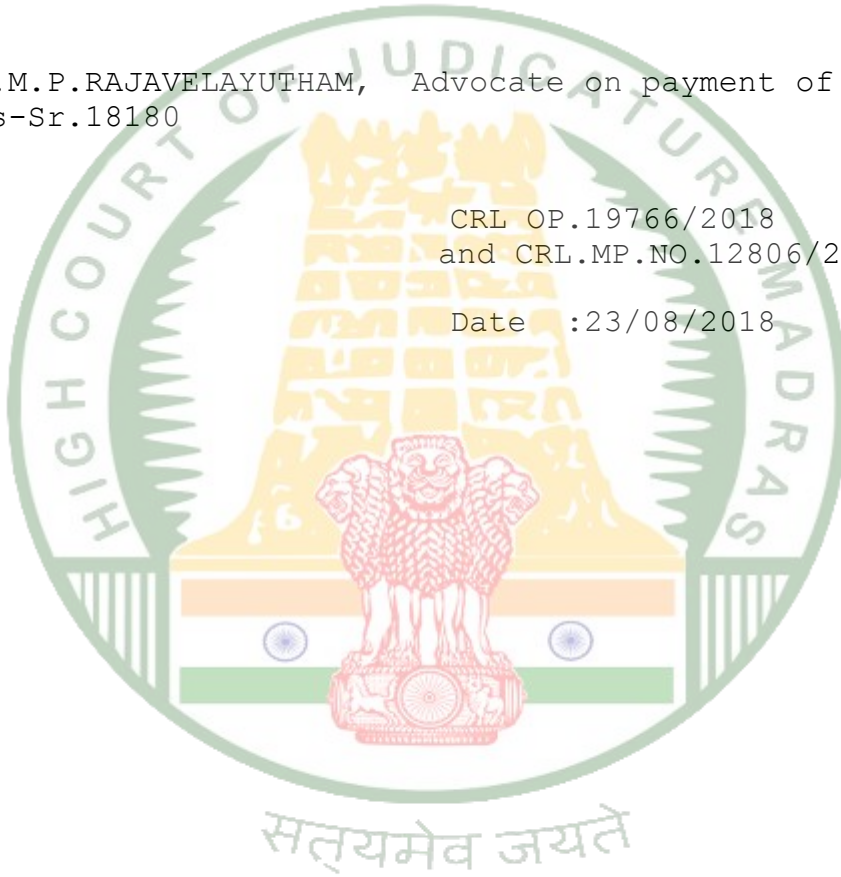
CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges

+1 CC to M/S.M.P.RAJAVELAYUTHAM, Advocate on payment of
necessary charges-Sr.18180

CRL OP.19766/2018
and CRL.MP.NO.12806/2018

Date :23/08/2018

ths : 23.08.2018
THS : 25.09.2018
THS : 26.09.2018



WEB COPY