

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7165 of 2020

Raju Prasath

...Petitioner/Accused

Vs.

The State rep. by:
The Inspector of Police,
K-11 CMBT Police Station,
Chennai District.
(Cr.No. 105/2020)

...Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C to enlarge the petitioner on bail in connection with the Cr.No.105 of 2020 pending investigation on the file of the respondent police

For Petitioner : M/s.A.Kalaichelvi

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 22.02.2020 for the offence punishable under Section 379 of IPC in Crime No.105 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has stolen a cell-phone from the defacto complainant's pocket. The petitioner was red-handily caught hold and handed over to the respondent police. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further, he would submit that the petitioner is a cooli in the Koyambedu market and he was arrested and remanded to judicial custody on 22.02.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner has stolen a mobile phone from the defacto complainant's pocket and he was arrested and remanded to judicial custody on 22.02.2020. Further, he would submit that the petitioner had no previous case and that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances and considering the period of incarceration by the petitioner and also considering the petitioner had no previous antecedents, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30a.m. from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioner shall not abscond either during investigation or trial.

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/05/2020

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 PRINCIPAL JUDGE
CITY CIVIL COURT, CHENNAI

2 THE METROPOLITAN MAGISTRATE
NO V, EGMORE, CHENNAI - 600 008.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

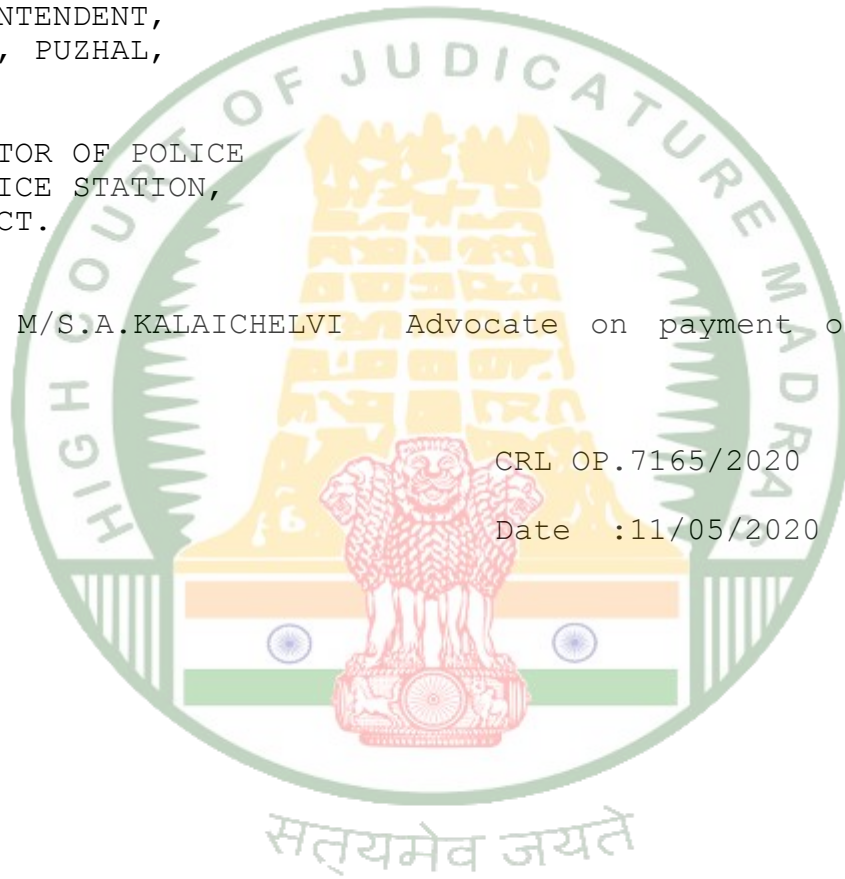
5 THE INSPECTOR OF POLICE
K-11, CMBT POLICE STATION,
CHENNAI DISTRICT.

CC to M/S.A.KALAICHELVI Advocate on payment of necessary
charges

CRL OP.7165/2020

Date :11/05/2020

RVR 04/08/2020



WEB COPY