

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7210 of 2020

1. V.Shine
S/o.V.Vasudevan

2.Bineesh
S/o.Sasicharan

... Petitioners

Vs.

State represented by
The Sub-Inspector of Police
Tambaram Police Station
Tambaram
Chennai – 600 045
(Crime No.61 of 2020)

... Respondent

PRAAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.61 of 2020 on the file of the respondent police.

For petitioners : Mr.M.Mohammed Rafi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

When the matter was taken up for hearing, the learned Counsel for the petitioners would submit that the petitioners are arrayed as A4 and A5 in this Case. He would submit that the second petitioner/A5 has already repaid a sum of Rs.5 lakhs and taking into consideration that the petitioners were in custody for more than 62 days, this Court by order dated 30.04.2020, granted interim bail to the petitioners on condition to execute a bond for a sum of Rs.10,000/- before the Superintendent of the concerned Prison and that they were also directed not to leave Tamil Nadu during interrogation period. Further, the petitioners were directed to surrender their passport if any. Since, the petitioners did not possess any passport, the petitioners filed a petition seeking for modification of the condition said condition 5(iii) in order dated 30.04.2020 and this Court by order dated 06.05.2020, modified the condition and directed the petitioners to appear before the respondent police daily at 10.30 and 5.30 p.m. until further orders. Thereafter, the petitioners filed a petition seeking relaxation of the said condition vide Crl.M.P.No.3985 of 2020

and this Court by order dated 26.05.2020 relaxed the condition and the petitioners were directed to report before the respondent as and when required for interrogation.

2 The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioners received the stolen jewels worth Rs.95 lakhs which belong to the defacto complainant.

3. At this juncture, the learned Counsel for the petitioners would submit that the petitioners were already in judicial custody for more than 62 days and that the second petitioner has already deposited a sum of Rs.5 lakhs to the credit of crime number. He would further submit without prejudice to his contention and defence, the first petitioner is also prepared to deposit a sum of Rs.5 lakhs to the credit of crime Number. He he prays for regular bail.

4. Taking into consideration the above facts and submissions made by the learned counsels, the interim bail already granted by this Court is made absolute subject to the following conditions;



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(a) Accordingly, the petitioners are directed to execute a separate 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 Judicial Magistrate, Tambaram**, and on further conditions that:

(b) 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;

(c) **the first petitioner is directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of Crime No.61 of 2020 at the time of executing bail bond. The learned Magistrate in turn, shall deposit the said amount of Rs.5 lakhs in Fixed Deposit in any Nationalized Bank and retain the fixed deposit receipt.**

(d) **the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.**

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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

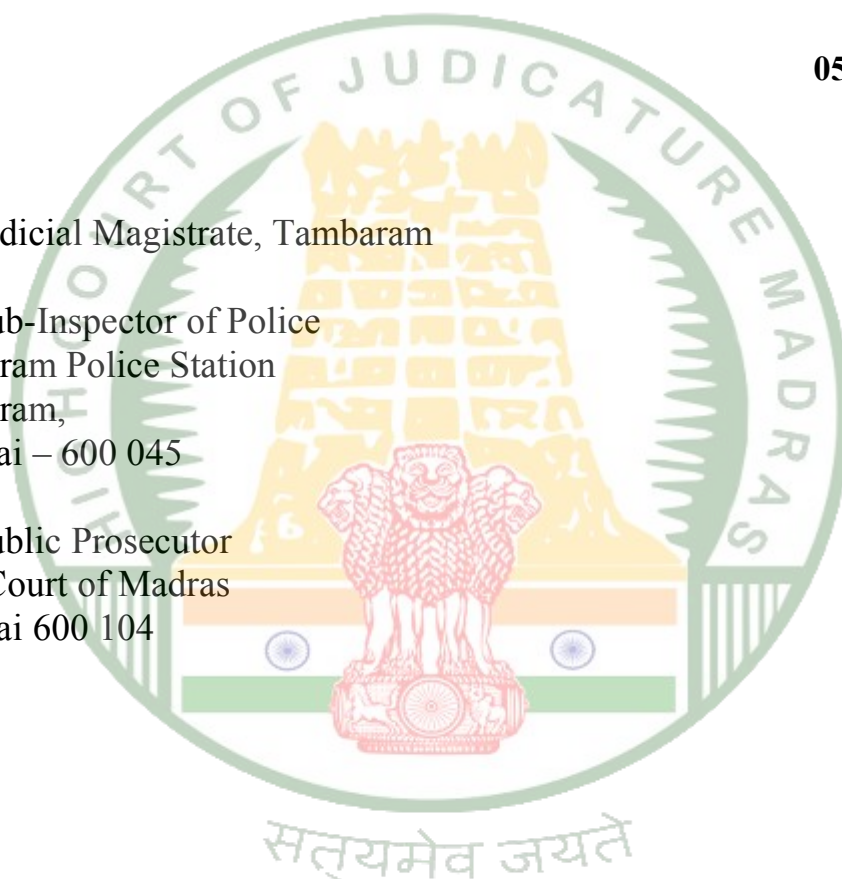
Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

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

05.11.2020

ksa-2

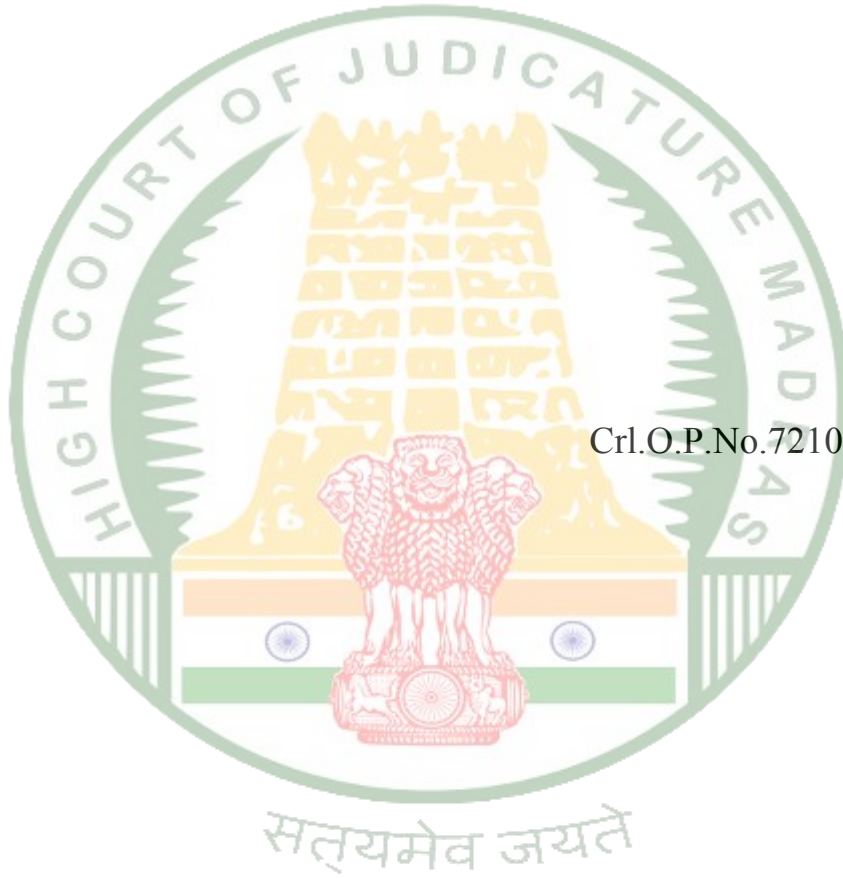
1. The Judicial Magistrate, Tambaram
2. The Sub-Inspector of Police
Tambaram Police Station
Tambaram,
Chennai – 600 045
3. The Public Prosecutor
High Court of Madras
Chennai 600 104



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A.D.JAGADISH CHANDIRA, J.

ksa-2



Crl.O.P.No.7210 of 2020

WEB COPY

05.11.2020

Crl.O.P.No.7210 of 2020

A.D.JAGADISH CHANDIRA, J.

These matters are listed today under the caption for being mentioned.

2.The learned counsel appearing for the petitioner would submit that the interim bail which was granted by this Court on 30.04.2020, was made absolute by this Court on 05.11.2020 and since, the petitioners are residents of Kerala, this Court did not impose any condition to report before the respondent police. However, in para 4 (d) of the order, it reflects that “the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders.” Hence, he seeks for appropriate orders.

3.In view of the above submission so made by the learned counsel for the petitioners, paragraph 4(d) in the order dated 05.11.2020 in Crl.O.P.No.7210 of 2020, shall be read as follows:

(d) the petitioners shall report

*before the respondent police as and when
required for interrogation.*

A.D.JAGADISH CHANDIRA, J.
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4.A further period of two weeks is extended from the date on which the order copy is made ready to comply with the order of this Court.

5.The other conditions imposed by this Court in Crl.O.P.No.7210 of 2020 dated 05.11.2020 shall stand unaltered.

11.11.2020

ksa-2

Note: Registry is directed to issue a fresh order copy.

Crl.O.P.No.7210 of 2020