

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8930 of 2020

Felix

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Ambattur Estate Police Station,
Chennai.

(Crime No.391 of 2020)

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.391 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.K. Thenrajan

For Respondent : Mr.C.Iyyaparaj

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 27.05.2020 for the offence under Section 451 and 380 of IPC, in Crime No.391 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant who is working as a the security in M/s Best and Crompton factory lodged a complaint stating that the petitioner herein had brought 2 TATA ACE van and parked the same on the rear side of the factory and had stolen 4 tons of iron scrap from the factory and loaded in their vehicle. Taking advantage of the lock down and closure of the factory the above offence has been committed by them. Hence, the case came to be registered.

3.The learned counsel of the petitioner submitted that the petitioner has been falsely implicated in this case and the

petitioner is shown as A2. As the petitioner's vehicle is used in this offence, he has been falsely implicated in this case and the other accused persons involved in this case had stolen iron scrap from the factory. Hence, prays for grant of bail

4. The learned Additional Public Prosecutor submitted that there were totally nine accused in this case. The defacto complainant is working as a security in the factory and on 27.05.2020 the accused persons went to the factory in TATA ACE vehicle and parked the vehicle on the rear side of the factory and stolen the iron scrap and on the same day the complaint has been lodged. In this case A2 is the owner of the vehicle and A1 and A3 were friends. A4 to A9 were coolie workers and they were engaged to steal the iron scrap from the factory and they loaded 4 tons of iron scrap from the factory. Thereafter, after receiving the complaint from the defacto complainant the respondent police went to the scene of occurrence and arrested A1 to A3 and the other accused persons ran away. The vehicle involved in this case has been seized along with the scrap materials and the petitioner who is the owner of the vehicle had committed the offence taking advantage of the lock down of the company and violated Section 144 of the prohibitory orders. Hence, the Additional Public Prosecutor strongly objected the bail application.

5. Considering the submissions and the fact that the TATA vehicle was seized with iron scrap and further A1 and A3 were arrested in this case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

a) the petitioner shall deposit a sum of sum of Rs.25,000/- ***(Twenty five thousand only)** to the cancer institute (WIA), (Regional Cancer Centre), Adayar, Chennai - 600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/c No.149710011005477), and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release..

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, 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 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 for a period of two weeks and thereafter, as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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 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.

-sd/-

18/06/2020

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 JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBATTUR ESTATE POLICE STATION,
CHENNAI.

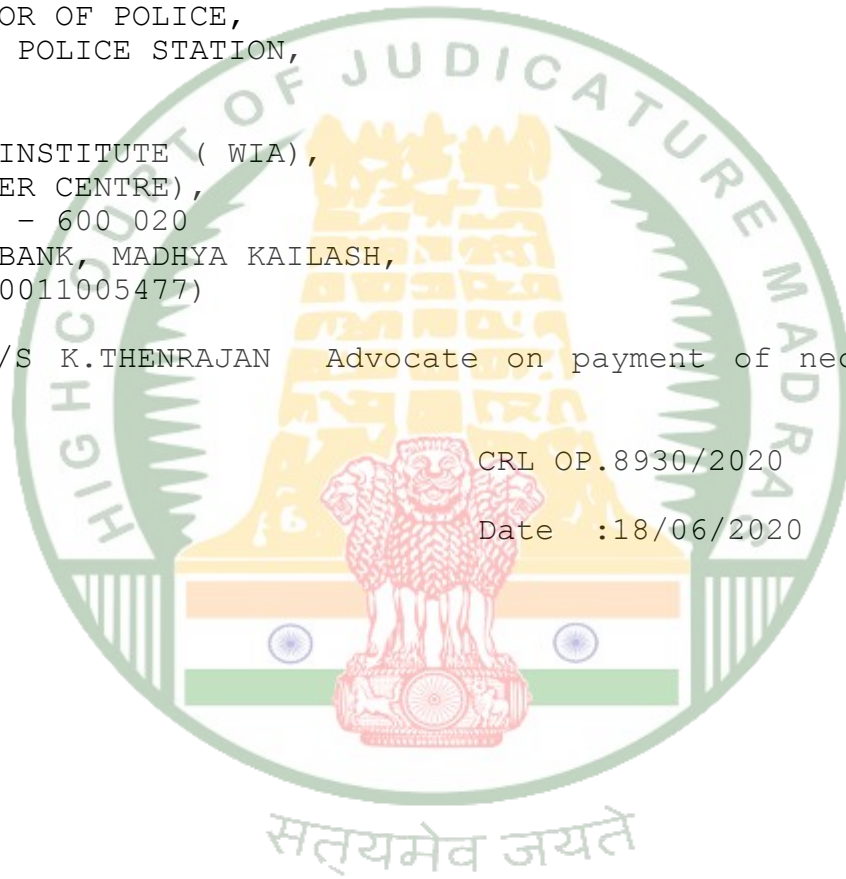
5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADAYAR, CHENNAI - 600 020
(BANK: ANDHRA BANK, MADHYA KAILASH,
SB A/C NO.149710011005477)

CC to M/S K.THENRAJAN Advocate on payment of necessary
charges

CRL OP.8930/2020

Date :18/06/2020

MK:01/10/2020



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