

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10318 of 2020

Mani@ Jothimani

...Petitioner/AccusedA2

Vs

Stateby:

...Respondent/Complainant

Inspector of Police,
Kannaginagar Police Station,
Chennai.

Cr.No.525/2020

Prayer: This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail in Crime No.525 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sankarakutralingam

For respondent : Mr.Shunmugarajeswaran,
Gov. Advocate (CrI.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Section 379 IPC in Crime No.525 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused committed theft of two wheeler.

3. The learned counsel for the petitioner would submit that the peetitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the property has been recovered from the custody of the first accused and the first accused is detained under Act 14. He further submit that no previous case is pending against this petitioner. Hence, he prays for bail to the petitioner.

4. The learned Government Advocate (Cr1. Side) would submit that if the petitioner is released on bail he may commit the same type of offences and hence, he opposed for grant of bail.

5. Taking into consideration the facts and circumstances of the case, and also the submission made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

(a) Accordingly, 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 and thereafter, on his release.

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Alandur, within a period of two weeks or commencement of Courts normal functioning, whichever is earlier failing which, the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and left thumb impression in the surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30. a.m., for a period of two weeks and thereafter every Monday and Friday at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar in nature.

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

(g) the petitioner 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 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 SCW5560.

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

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

-sd/-
09/07/2020

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 NO.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE INSPECTOR OF POLICE,
KANNAGI NAGAR POLICE STATION,
CHENNAI.

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

WEB COPY

CRL OP.10318/2020

Date :09/07/2020

MN-CS-12/08/2020