

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

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

Crl.O.P.No.11153 of 2020

Murali

... Petitioner

- Vs. -

The State Represented by,
The Inspector of Police,
J.J. Nagar Police Station,
Chennai.
(Crime No.491 of 2019).

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.491 of 2019 on the file of the respondent police.

For Petitioner : Mr. S. Senthilvel

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

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 19.11.2019 for the offence punishable under Section 379 of the Indian Penal Code, 1860, in Crime No. 491 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed theft of two wheeler. Hence, the case.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he was detained under Act-14 of 1982 and thereafter, the detention order was set aside by this Court by order dated 16.07.2020. Further he would submit that he is in judicial custody from 19.11.2019. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent, would submit that the petitioner is a habitual offender

and involved in the theft of two wheeler. Further he would submit that investigation has been completed and final report has been filed and the same has been taken up on file in C.C.No.17 of 2020 by the learned Judicial Magistrate, Ambattur. There are totally 8 witnesses and some of the witnesses have been examined. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration from 19.11.2019, 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, Ambattur, **within 15 days from the date of lifting of the lockdown or the commencement of the Court's 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 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 everyday at 05.30 p.m. until further orders. The petitioner shall also appear before the trial Court on all hearing date after lifting of the lockdown and the commencement of the Court's normal functioning.**

(e) the Petitioner shall not commit any offences of similar 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 SCW 5560]**;

(i) 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/-
27/07/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J.J.NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

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

CRL OP.11153/2020

Date :27/07/2020

TA-08/09/2020