

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

Cr1.O.P.No.12168 of 2020

Yuvaraj

... Petitioner

Vs.

State represented by, ... Respondent
The Inspector of Police,
B-4, Baluchettychatram Police Station,
Kancheepuram District.
(Crime No.1172 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1172 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.06.2020 for the offences punishable under Section 379 IPC, in Crime No.1172 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that his two wheeler was missing and he has given a complaint stating that an unknown person had committed theft of his two wheeler. Later from investigation, it was found that the petitioner has committed the theft of the vehicle.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would vehemently oppose for the grant of bail to the petitioner stating that the petitioner is a habitual offender and he has committed the

theft of the bike and the petitioner was arrested the bike was later recovered by the respondent and submitted that investigation is completed and that the final report has been filed before the learned Judicial Magistrate- I, Kancheepuram on 20.07.2020.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by 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 condition to execute 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate I, Kancheepuram, **within a period of two weeks after lifting of 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 Judicial Magistrate- I, Kancheepuram on the 1st and 15th of every month and shall report before the respondent police everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdiction limits of the respondent police.

(e) the petitioner shall give his mobile number and the contact details to the respondent police.

(f) the petitioner shall appear before the Trial Court on intimation by the respondent police.

(g) the petitioner shall not commit any offences of similar nature;

(h) the petitioner shall not abscond either during investigation or trial;

(i) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(j) 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];

(k)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/-

13/08/2020

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.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-4, BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI.

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

CRL OP.12168/2020

Date :13/08/2020

TA-08/09/2020