

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12567 of 2020

Inbathamizhan @ Inba Arasan

.... Petitioner

-Vs-

State Rep. by
Inspector of Police,
J-13 Taramani Police Station,
Chennai-113.
(Crime No.562 of 2020).

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.562 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.K.S.Gandhi

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 29.07.2020, for the offences punishable under Sections 379 of IPC, in Crime No.562 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Karim is that his two wheeler, which was parked outside, was found missing.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner's two wheeler was lost and when he was gone to give a complaint, he was arrested in connection with the case. He would further submit that there is no other case registered against the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner committed theft of two wheeler belonging to the *de facto* complainant. He would submit that the petitioner lost his two wheeler, for which, he need not commit the theft of two wheeler belonging to the *de facto* complainant. Hence, he would object the grant of bail to

5. Taking into consideration of the facts and circumstances of the case, 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) each, 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 learned XVIII Metropolitan Magistrate, Saidapet, 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 every day at 10.30.am for a period of two weeks and thereafter, every Monday at 10.30.a.m until further orders;

(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/-
19/08/2020

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 METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET.

2 THE SUPERINTENDENT,
SUB JAIL, TIRUVALLUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J 13 TARAMANI POLICE STATION,
CHENNAI-600 113.

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

CRL OP.12567/2020

Date :19/08/2020

MK:07/09/2020

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