

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13438 of 2020

P.Kumaravel, aged 23 years,
S/o.Palanivel,
No.3/30A, Srinivasa Nagar,
Kumaran Nagar Ext 2, Padi,
Chennai - 600 050.

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Korattur Police Station,
Ambattur District,
Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1638 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.07.2020 for the offences punishable under Sections 120 (b), 380, 457 of IPC of IPC in Crime No.1638 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that on 24.03.2020, he has decided to go back his native place and he had locked the house and had given the key to Ashok Kumar and left to his native place. While he was in his native place on 13.07.2020, the owner of the house has called to him over phone stating a theft had been committed and when he has come back and seen the house, an amount of Rs.19 lakhs and 18 sovereigns of gold jewels were found missing.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is the brother in law of the defacto complainant and due to family dispute, a false complaint has been given as if the petitioner had committed theft in his own sister's house. However, he would submit that the co-accused were arrested and a sum of Rs.13,00,000/- cash, 15 sovereigns of gold jewels and two mobile phones have been recovered from the arrested accused. He would further submit that the co-accused in this case have been enlarged on bail by the learned Judicial Magistrate, Ambattur, in CrI.M.P.No.1484/2020, on 25.08.2020.

4 The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner is the brother in law of the defacto complainant and the defacto complainant had locked his house and left to his native place, during covid lockdown. Taking advantage of the absence, the petitioner along with his friends had committed theft of the jewels and cash from the house of the defacto complainant. He would submit that after arrest of the accused, an amount of Rs.13,00,000/- cash, gold jewels and two mobile phones were recovered from them. He would submit that apart from this there is no other case pending against the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the money and jewels recovered from arrested accused and the petitioner is in jail from 25.07.2020, 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 within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or whichever ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Ambattur, 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 10.30 a.m. and 05.30 p.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/-

01/09/2020

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORATTUR POLICE STATION,
AMBATTUR DISTRICT, CHENNAI.

+1 CC to M/S. S.RAMAJAYAM Advocate on payment of necessary charges sr.no.6094

CRL OP.13438/2020

Date :01/09/2020

RD 07/09/2020