

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CRL.O.P.No.14094 of 2020

Ajith @ Ajith Kumar

... Petitioner

Vs.

State rep. by:

The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai.

(Crime No.966 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.966 of 2020 on the file of the Inspector of Police, P-6 Kodungaiyur Police Station, Chennai.

For Petitioner : Mr.M.S.Charles

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 21.07.2020 for the offences punishable under **Sections 457 and 380 of IPC in Crime No.966 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Naveetha Begam is that some unknown accused committed theft of 12 sovereigns of gold jewellery and cash of Rs.30,000/- from her house by breaking open the back door of her house. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that he was arrested only on suspicion and thereafter he was implicated in this case as well as in another case. He would submit that the petitioner is aged 19 years and he has been suffering incarceration from 21.07.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused broke open the back door of the house of the defacto complainant and committed theft of 12 sovereigns of gold jewelery and cash of Rs.30,000/-. He would further submit that there are totally five persons have involved in this case out of which, three persons have been arrested and only part of the stolen property has been recovered and the other accused are still absconding. He would further submit that there is one previous case against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the age of the petitioner and period of incarceration suffered by him, 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) with two sureties out of which one surety shall be either the father or mother of the petitioner**, each for a like sum to the satisfaction of the learned **V-Metropolitan Magistrate, Egmore, Chennai, within 15 days from the date of commencement of the Court's normal functioning**, 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 daily at 10.30 a.m. and 5.30 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 Petitions are ordered.

-sd/-
18/09/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION, CHENNAI

+1 CC to M/S. M.S.CHARLES Advocate on payment of necessary charges SR.NO.6368

CRL OP.14094/2020

Date :18/09/2020

GKS:22/09/2020