

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14397 of 2020

K.Kumar

... Petitioner

Vs.

State Rep. By

The Inspector of Police

S-8, Adambakkam Police Station,

Chennai - 600 088.

(Crime No.1210 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.1210 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Tamilvanan

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 25.08.2020 for the offences punishable under **Sections 406 and 420 of Indian Penal Code, 1960 in Crime No.1210 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Rajavalli is that the petitioner under the guise of conducting pooja for the well being of the family, had obtained Rs.500/- and he had also committed theft of further amount of Rs.5,000/- from the house of the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to financial dispute between the defacto complainant and the petitioner. He would further submit that the petitioner has no other cases pending against him and as per the prosecution the entire amount has been recovered from the petitioner. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on him by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner under the guise of conducting pooja for the well being of the family, cheated the defacto complainant and had taken away a sum of Rs.5,000/- from the house.He would further submit that the investigation is pending.

5. Heard the learned counsel on either side and also perused F.I.R.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Alandur, within a period of two weeks 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 on his release from prison, shall report before the respondent police everyday 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
16/09/2020

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 NO.II, ALANDUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAL
- 4 THE JAILER, SUB JAIL, SAIDAPET, CHENNAI
- 5 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 6 THE INSPECTOR OF POLICE, S-8,
ADAMBAKKAM POLICE STATION, ADAMBAKKAM, CHENNAI-88

+1 CC to M/S. A.TAMILVANAN Advocate on payment of necessary charges SR.NO.6288

CRL OP.14397/2020

Date :16/09/2020

GKS:18/09/2020