

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.14566 of 2020

A.EZHUMALAI

... Petitioner

Vs.

State rep. By its
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Cr. No.2030 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.2030 of 2020 on the file of the Inspector of Police, Dusi Police Station, Thiruvannamalai District.

For Petitioner : Mr.G.Punniakoti

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 14.08.2020 for the offences punishable under **Sections 457 and 380 of IPC, in Crime No.2030 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant one Madurai Veeran is that on 13.08.2020 he had seen four unknown persons committing theft of 3 HP Motor and de-coiling dies from his factory premises and when he raised alarm, they have escaped from the scene of occurrence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case based on the confession of other accused in this case. He would further submit that the petitioner is in judicial custody from 14.08.2020 and he has not previous cases against him.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused had committed the theft of 3 HP Motor and de-coiling dies from the factory premises of the defacto complainant. He would further submit that the entire contraband has been recovered. He would further submit that the petitioner has no other cases pending against him.

5. 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, Cheyyar, 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.

6. With the above directions, this Criminal Original Petition is 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 JUDICIAL MAGISTRATE, CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT PRISON, CHENGALPATTU

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.14566/2020

Date : 18/09/2020

GKS:22/09/2020