

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16359 of 2020

Ganesh

... Petitioner/Accused (A1)

Vs.

The State represented by, ... Respondent/Complainant

The Sub-Inspector of Police,
Brammadesam Police Station,
Thiruvannamalai District.
(Crime No.1342 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1342 of 2020, on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.08.2020 for the offences punishable under Sections 379 & 511 of IPC in Crime No. 1342 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Jayaseelan is that on 12.08.2020, the petitioner along with other accused had attempted to commit theft of his two wheeler, which was parked in front of his house and coming to know of the same, the defacto complainant and his friends have caught hold of the petitioner. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and that he has been arrested in his case only on suspicion. He would submit that even as per FIR, only an attempt was alleged to be made by the petitioner and the other accused, to commit theft of two wheeler. He would

further submit that there is no previous case pending against the petitioner. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with his friends have made an attempt to commit theft of two wheeler belonging to the defacto complainant and they were caught on the spot. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 13.08.2020, 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 condition to 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 and on further conditions that:

(b) 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;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
14/10/2020

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
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. V.R.APPASWAMEE Advocate on payment of necessary
charges SR.NO.6889

CRL OP.16359/2020

सत्यमेव जयते Date :14/10/2020

TA-15/10/2020

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