

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

CORAM :

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

CRL.O.P.No.16724 of 2020

M.Arunkumar

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Kilkodungalore Nagar Police Station,
Thiruvannamalai District.
(Crime No.1468 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.1468 of 2020 on the file of the respondent.

For Petitioner : Mr.M.Dhayalan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.08.2020 for the offences punishable under Sections 341, 506(ii) and 392 of IPC @ 341, 506(ii), 392 r/w 397 of IPC, in Crime No.1468 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Manikandan is that on 24.08.2020 around 4.30 a.m. he heard some noise from the front side of his house and when he had gone out, three persons known to him and who are from his village had snatched his gold chain and ran away 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 due to family rivalry. He would further submit that the petitioner is the native of Thiruvannamalai and normally resides at T.Nagar, Chennai 600 17 and when he had gone to his native, there was a quarrel, due to which, a false case has been foisted against the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with two other accused had snatched the gold chain of the defacto complainant worth Rs.15,000/- at an early hours on 24.08.2020. He would further state that the petitioner is a habitual offender against whom there are six (6) previous cases, one case is registered by the Abiramapuram Police Station in crime No.845 of 2020 for the offence u/s.379 IPC, and yet another case has been registered by the Mambalam Police Station in Crime No.1427 of 2020 for the offence u/s.107 Cr.P.C. and other cases have been registered by the Theynampet Police Stations in various crime numbers. He would further submit that as far as this case is concerned, investigation has been completed and the final report has been filed before the learned Judicial Magistrate, Vandavasi, in P.R.C.No.8 of 2020.

5. Taking into consideration of the facts and circumstance of the case and the submissions of 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 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 Court, Vandhavasi 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 on his release from prison shall stay at Vandhavasi and report before the learned Judicial Magistrate, Vandhavasi 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;

(g) 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];

(h) 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/-
02/11/2020

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 COURT,
VANDHAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KILKODUNGALORE NAGAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

WEB COPY

CRL OP.16724/2020

Date :02/11/2020

cs 03/11/2020