

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.No.17125 of 2020

MADHAN @ MADHANKUMAR

... Petitioner

Vs.

State rep. by its  
The Inspector of Police,  
Anakkavoor Police Station,  
Thiruvannamalai District.  
(Crime No.21 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.21 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

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 15.01.2020 for the offence punishable under Section 379 of IPC, in Crime No.21 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Sujatha is that on 11.01.2020 while she was returning home in her two wheeler, two persons who had come in a Yamaha Green Colour FEZ kicked her bike and when she fell down, they had snatched her gold chain worth Rs.80,000/-.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was subsequently detained pursuant to the order passed by the District Collector and District Magistrate in D.No.11/2020-C2, dated 28.02.2020, against which, the petitioner's wife filed a petition in H.C.P.No. 548 of 2020 and the detention order was quashed by this Court on 23.09.2020. He would further submit that the petitioner was arrested on 15.01.2020 and he is in custody for almost 10 months. He would further submit the respondent police has not completed the investigation and final report has not been filed till date, thereby, the petitioner is entitled to statutory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a habitual offender, he along with other accused by pushing the defacto complainant from her two wheeler, had snatched the gold chain from the defacto complainant worth Rs.80,000/-. He would further submit that the petitioner is having 13 previous cases to his credit, however, he would further submit that the investigation has not been completed in this case.

5.Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner and that the final report is not filed, 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, 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 on his release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.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/-

03/11/2020

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,  
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ANAKKAVOOR POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

CC to G.PUNNIAKOTI Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.17125/2020

Date : 03/11/2020

RVR 04/11/2020

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