

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.Nos.17327, 17340 and 17912 of 2020

R.Aravinthan

... Petitioner in all cases

Vs.

State, rep.by

The Station House Officer,

Nemili Police Station,

Vellore District.

(Crime Nos.248 to 250 of 2020) ... Respondent in all cases

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in in Crime Nos.248 to 250 of 2020, pending investigation on the file of the respondent police.

For Petitioner : R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran,

Govt. Advocate (Crl. Side)

C O M M O N O R D E R

(These cases have been heard through video conference)

In all the Crl.O.P.s, the petitioner was arrested and remanded to judicial custody on 31.08.2020 for the offences punishable under Section 379 of IPC @ 392 of IPC @ into Section 395 of IPC, in Crime Nos.248 of 2020, 249 of 2020 and 250 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution in all the crime numbers is that on 19.05.2020, the petitioner along with other accused committed theft of motor cycles and cellphones from the defacto complainants.

3.The learned counsel appearing for the petitioner would submit that this is second application for bail and the earlier petitions for bail were dismissed by this Court on 01.10.2020. He would further submit that the petitioner is arrayed as A4 in all the cases. The allegation against the petitioner is that he gave shelter to the other accused. Other than that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the main accused have been detained under act 14 and a co-accused namely Pandiyan has been granted bail in all

the cases by the Principal Sessions Judge, Vellore, vide CrI.M.P.Nos.2267 of 2020, 2266 of 2020 and 2265 of 2020 by orders dated 14.10.2020 and that the petitioner has been suffering incarceration for more than 70 days from 31.08.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (CrI.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a habitual offender. Apart from this case, the petitioner is also involved in another case in Crime No.1151 of 2020 registered at Balu Chetty Chattram Police Station.

5. 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, 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, Arakonam, 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. 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
11/11/2020

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
NAMILI POLICE STATION,
VELLORE DISTRICT.

+3CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NOS.7552, 7553, 7554

CRL.O.P.Nos.17327, 17340 and 17912 of 2020

Date :11/11/2020

MK:18/11/2020