

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17877 of 2020

Parthiban

... Petitioner

Vs.

State represented by, Respondent

The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.

(Crime No.755 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. Praying to enlarge the petitioner on bail in Crime No.755 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Sugendran

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 01.10.2020 for the alleged offences punishable under Section 379 of IPC in Crime No.755 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that on 28.09.2020, while he was walking along the road, the petitioner snatched the mobile phone and ran away.

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 submit that the petitioner was arrested on 01.10.2020 and he is in custody for the past 41 days and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner on 28.09.2020, snatched the cellphone belonging to the *de facto* complainant. He would submit that the petitioner has been arrested and the mobile phone has been recovered from his custody and that apart from this case, the petitioner has no other case against him.

5. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioners from 01.10.2020, 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.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai 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 daily 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.

6. 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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-5, PERAVALLUR POLICE STATION,
CENNAI.

5 THE SUPERINTENDENT
CENTRAL PRISON,
PUZHAL, CHENNAI.

+1 CC to M/S.S.SUGENDRAN Advocate on payment of necessary charges SR.NO.7527

सत्यमेव जयते

CRL OP.17877/2020

Date :11/11/2020

TA-18/11/2020

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