

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 18283 of 2020

C.Anandharaj

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Mantharakuppam Police Station,
Cuddalore District.
(Crime No.758 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 758 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Ashokkumar

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 18.10.2020 for the offences punishable under Section 379 of IPC, in Crime No. 758 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Sivamanikandan, who is a constable attached to CISF, is that, the petitioner had committed theft of 500A, 11KV Half Cupler, 10 metre copper wire from NLC, Neyveli, which worth about Rs.82,000/- and that the petitioner was arrested red handedly while committing theft.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that even as per the prosecution, the petitioner is stated to have been caught red-handed and the contra band was recovered on the same place of occurrence. He would submit that there is no previous case pending against the petitioner and that he has been suffering incarceration from 18.10.2020. 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 was caught red-handed while committing theft of 500A, 11KV Half Cupler, 10 metre copper wire from NLC, Neyveli, which worth about Rs.82,000/-. He would submit that there is no previous case pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and circumstance of the case, submissions made by the learned counsel and the petitioner is in judicial custody from 18.10.2020, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District 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;

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

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

-sd/-
20/11/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEYVELI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB-JAIL, VILLUPURAM.

5 THE INSPECTOR OF POLICE,
MANTHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

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

CRL OP.18283/2020

Date :20/11/2020

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MN-23/11/2020