

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
Crl.O.P.No.18625 of 2020

Karunakaran @ Karuna

... Petitioner/ Single Accused

Vs.

State Rep. by

The Sub Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.

Crime No.3139 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439
Cr.P.C. to enlarge the petitioner on bail in Crime No.3139 of
2020, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Mr.V.R.Appaswamee

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial
custody on 15.10.2020 for the offences punishable under Section
379 of IPC in Crime No.3139 of 2020 on the file of the respondent
police, seeks bail.

2.The case of the prosecution as per the defacto
complainant viz., Shankar, is that on 03.10.2020, while he was
sleeping, an unknown person has attempted to steal his two
wheeler and he raised alarm, the un-known person taken away his
two wheeler by riding the same. Based on the complaint,
petitioner was arrested on 15.10.2020. Originally, the
petitioner was arrested on 04.10.2020 in Crime No. 3140 of 2020
and based on the confession given by him, he was arrested in
Crime No.3139 of 2020 on 15.10.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and on the confession, he has been falsely implicated in this case. He would submit that the petitioner has been arrested on 15.10.2020 and he is suffering incarceration for the past 43 days. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that on 03.10.2020, when the defacto complainant was sleeping, the petitioner has stolen the defacto complainant's two wheeler by riding the same. He would submit that originally, the petitioner was arrested on 04.10.2020 in Crime No. 3140 of 2020 and on the confession given by him in Crime No. 3140 of 2020, he was arrested in crime No.3139 of 2020 on 15.10.2020. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and submissions made by the learned counsels and considering the fact that the petitioner is suffering incarceration from 15.10.2020, 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 Judicial Magistrate, 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 shall report before respondent police everyday at 10.30 a.m.,for a period of two weeks and thereafter every Monday 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;

(h) 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];

(i) 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/-
27/11/2020

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 SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR NO.7805

CRL OP.18625/2020

Date :27/11/2020