

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18651of 2020

Manikandan

... Petitioner

Vs.

The Sub-Inspector of Police,  
D-6, Anna Square Police Station,  
Chennai.  
(Crime No.419 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.419 of 2020 on the file of the Sub-Inspector of Police, D-6, Anna Square Police Station, Chennai District.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl.Side)

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 11.10.2020 for the offence punishable under Sections 380 of IPC r/w 34 of IPC, in Crime No.419 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the owner of the house and he engaged one Mr.Kannan for interior work. The interior work going on for the past 4 months and the accused person is a painter. On 01.08.2020, the accused person started the painting work in the defacto complainant house. At that time, the entire amount of Rs.50,00,000/- were kept in a box safely. Later, on 29.09.2020, the defacto complainant found that the amount was missing. Hence the complaint was registered.

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 further submit that the amount of Rs.25 Lakhs and 5 sovereign gold recovered from A1 and 3 Lakhs recovered from this petitioner. He would further submit that the balance amount is yet to be recovered. Further, he would

submit that the petitioner is in judicial custody from 11.10.2020 and seeks bail for the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the defacto complainant is the owner of the house and he engaged one Mr.Kannan for interior work, while the interior work going on for the past 4 months and the accused persons are painters. On 01.08.2020, the accused persons started the painting work in the defacto complainant house. At that time, the entire amount of Rs.50,00,000/- were safe. Later, on 29.09.2020, the defacto complainant found that the amount was missing. He would further submit that the amount of Rs.25 Laksh and 5 sovereign gold recovered from A1 and 3 Lakhs recovered from this petitioner. He would further submit that the balance amount is yet to be recovered. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 11.10.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before II Metropolitan Magistrate, Egmore, Chennai,.

(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 the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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/-  
24/11/2020

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 METROPOLITAN MAGISTRATE-II  
EGMORE, CHENNAI

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

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL-II, CHENNAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,  
D-6, ANNA SQUARE POLICE STATION, CHENNAI

+1 CC to M/S.B.GOPALAKRISHNAN Advocate on payment of  
necessary charges SR.NO.7789

CRL OP.18651/2020

Date :24/11/2020

GKS:27/11/2020