

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18687 of 2020

Parthiban

... Petitioner

Vs.

State by:-

... Respondent

Sub Inspector of Police,
Rathinagiri Police Station,
Vellore District.
(Crime No.59 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.59 of 2020, pending on the file of the respondent police.

For Petitioner : Mr.D.Thirumoorthy

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 16.10.2020, for the offences punishable under Section 379 of IPC, in Crime No.59 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is alleged to have committed theft of Ashok Leyland Lorry. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner committed theft of Ashok Leyland Lorry and the same was recovered from the petitioner. He would submit that investigation in this case was completed and the charge sheet has been filed.

5. Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that 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 likesum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Arcot 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 every day at 10.30 a.m., for a period of two (2) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

04/12/2020

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, ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
RATHINAGIRI POLICE STATION,
VELLORE DISTRICT.

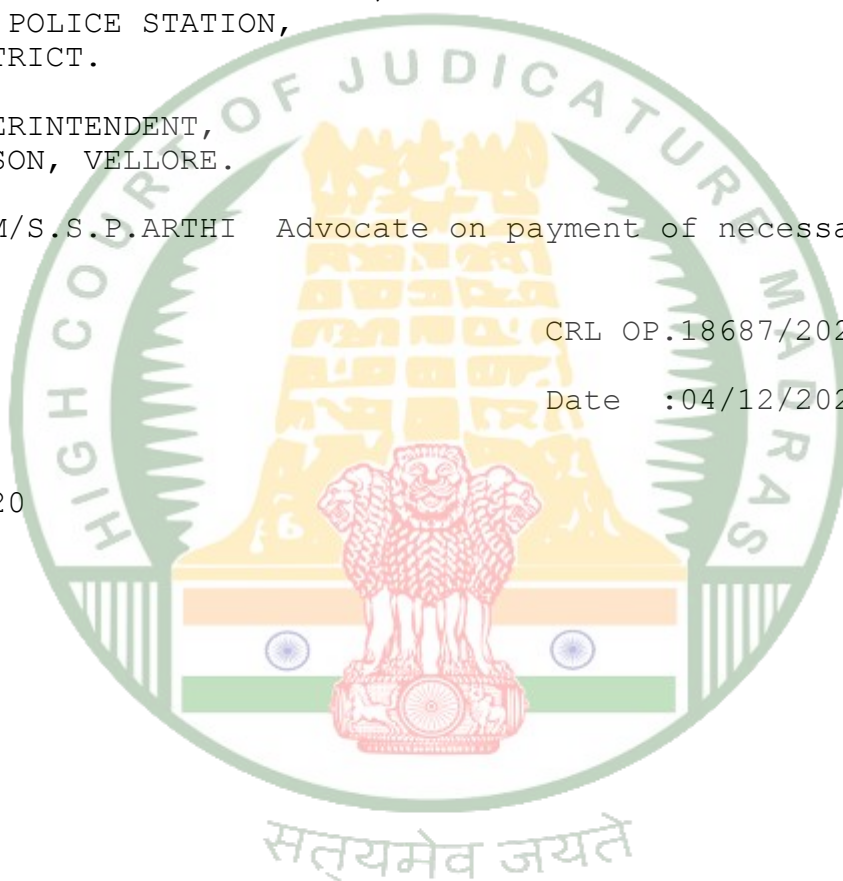
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.S.P.ARTHI Advocate on payment of necessary charges

CRL OP.18687/2020

Date :04/12/2020

MN-08/12/2020



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