

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18834 of 2020

S.Vijayaraghavan

... Petitioner

-Vs.-

The State Represented by the Inspector of Police
Rani Pet Police Station
Vellore District.
(Crime No.294 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.294 of 2019 on the file of the respondent police.

For Petitioner : Mr.J.Prakasam

For Respondent : Mr.T.Shunmugarajeswaran
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 23.10.2020 for the offences punishable under Sections 454 and 380 IPC in Crime No.294 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant was running a finance company in the name and style of Karpaga Vinayakar Finance Company. The petitioner who was also residing in the same locality was aware of the business of the defacto complainant. The further allegation is that on 09.05.2019, during the lunch hours, when the business transactions was closed, the petitioner had broke open the door and entered into the office premises and had committed a theft of Rs.6,68,000/-. After the investigation, the petitioner's involvement in this case has been found out and an amount of Rs.5,77,000/- has been recovered from him and the petitioner was arrested on 23.10.2020, after a lapse of 1 ½ years.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that the occurrence took place on 09.05.2019 and the respondent police have arrested him only on 23.10.2020, after a lapse of 1 ½ years. He would further submit that the major portion of amount has been recovered from the petitioner. He would further submit that the family members of the petitioner, who are doing business had given the petitioner a sum of Rs.5,77,000/- to settle the dispute, which has been shown as recovered amount of the case property.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the occurrence took place on 09.05.2019 and the complaint was registered on 12.05.2019 and the accused was arrested on 23.10.2020, after 1 ½ years. He would further submit that a huge amount of Rs.5,77,000/- has been recovered from the petitioner. He would further submit that investigation has been completed and charge sheet has been filed and taken on record in C.C.No.49 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Ranipet. He would further submit that the petitioner has got no bad antecedents.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also considering the fact that the investigation has been completed and a charge sheet has been filed in C.C.No.49 of 2020 before the learned District Munsif cum Judicial Magistrate, Ranipet and also considering the fact that substantial amount has been shown as recovery, 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 separate 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, Ranipet, 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 the learned District Munsif cum Judicial Magistrate, Ranipet, on all hearing dates without any default.

(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/-
02/12/2020

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,
RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,

+1CC to Mr.J.Prakasam Advocate on payment of necessary charges SR NO.7875

CRL OP.18834/2020

Date :02/12/2020

MK:03/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>