

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19308 of 2020

D.Gajendran

... Petitioner

Vs.

State Rep. By:

... Respondent

The Inspector of Police,
Kilkodungalore Nagar Police Station,
Thiruvannamalai.
(Crime No.1468 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1468 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Dhayalan

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 24.08.2020 for the offences punishable under Section 341, 506(ii), 392 of IPC @ 341, 506(ii), 392 r/w 397 IPC in Crime No.1468 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant one Manikandan is that on 24.08.2020 around 4.30 a.m. he heard some noise from the front side of his house and when he had gone out, three persons known to him and who are from his village, had snatched his gold chain and ran away from the scene of occurrence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to enmity. He would further submit that there was a quarrel due to which, a false case has been foisted against him as if he has snatched the gold chain of the *de facto* complainant. He would further submit that the petitioner was arrested on 24.08.2020. He would further submit that the petitioner has no previous case against him.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with two other accused had snatched the gold chain of the *de facto* complainant worth Rs.15,000/- at an early hours on 24.08.2020. He would further submit that the investigation has been completed and final report has been filed before the learned Judicial Magistrate, Vandavasi, in P.R.C.No.8 of 2020.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering 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.15,000/- (Rupees Fifteen Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Vandhavasi, 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 the learned Judicial Magistrate, Vandhavasi, on all working days 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
08/12/2020

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 JUDICIAL MAGISTRATE,
VANDHAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KILKODUNGALORE NAGAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.19308/2020

सत्यमेव जयते Date :08/12/2020

TA-09/12/2020

WEB COPY