

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

CORAM :

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

CRL.O.P.No.19512 of 2020

Murali

... Petitioner

Vs.

State rep by
The Sub Inspector of Police,
Moranam Police Station
Thiruvannamalai District
(Crime No.1892 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1892 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.10.2020 for the offences punishable under **Section 379 of IPC** in Crime No.1892 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Pathirajulu is that the petitioner along with other accused committed theft of drilling equipments from the bore well Rig Lorry of the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this based on the confession of the main accused. He would submit that the alleged contraband is also been recovered and there is no pervious case against the petitioner and that the petitioner has been suffering incarceration from 29.10.2020. Hence, he prays for grant of

bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused committed theft of drilling equipments from the bore well Rig Lorry of the defacto complainant and that the petitioner was arrested red handed while committing the theft. He would further submit that there is no previous case against the petitioner and that the major part of investigation is over.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioner 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.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 on his release from prison shall report before the respondent police everyday at 10.30 a.m. 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;

(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 stands ordered.

-sd/-
11/12/2020

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
MORANAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.8105

CRL OP.19512/2020

Date :11/12/2020

TA-14/12/2020