



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Reserved On : 22.12.2020

Delivered On : 22.12.2020
CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI
Crl. R.C.(MD)No.711 of 2020

Gavaski @ Gavaskar (M/35years)
S/o Annadurai

... Petitioner /Sole Accused

Vs.

The Sub Inspector of Police,
Checkanurani Police Station,
Madurai District.
In Crime No.1819 of 2020

... Respondent /Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order dated 18.11.2020 passed in Cr.M.P.No.2063 of 2020 on the file of the learned Judicial Magistrate no.II, Usilampatti and consequently enlarge the petitioner on bail in Cr.No.1819 of 2020 on the file of the respondent police.

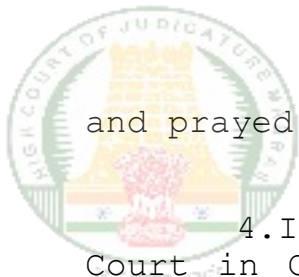
For Petitioner	: Mr.J.Selvam
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2063 of 2020 dated 18.11.2020, on the file of the learned Judicial Magistrate No.II, Usilampatti and enlarge the petitioner on bail.

2.On the side of the petitioner, it is stated that the alleged offence against the petitioner is that he committed theft of two wheeler Hero Honda Splender Plus bearing registration no.TN-58-AY-4816. The petitioner has filed a bail petition before the learned Judicial Magistrate, Usilampatti in Cr.M.P.No.2063 of 2020 under Section 167(2) of Cr.P.C. Since the chargesheet was filed on that date, the petition was dismissed by the learned Judicial Magistrate. Against that order, the petitioner preferred this revision.

3.On the side of the revision petitioner, it is stated that 60 days ended on 15.11.2020 and the petitioner has filed the bail petition on 18.11.2020. On that date, chargesheet was filed and that the learned Judicial Magistrate dismissed the petition. It is stated that the accused has enforced his right. He has to be released immediately. It is stated that the petitioner is still in custody



and prayed to release the petitioner on bail.

4.In support of his contention, the judgments passed by this Court in Crl.O.P.No.9750 of 2019 and Crl.O.P.No.8098 of 2020 were cited.

5.On the side of the respondent, it is stated that after the filing of final report, the right of bail under Section 167(2) of Cr.P.C. is taken away from the petitioner. The petitioner is a habitual offender. 25 cases are pending against him. Before the bail application was filed, the chargesheet was filed before the learned Judicial Magistrate and prayed to dismiss the revision case.

6.It is seen that on the date of filing of bail petition under Section 167(2) of Cr.P.C., chargesheet was filed and hence, the learned Judicial Magistrate dismissed the petition.

7.Considering the period of incarceration, this court is inclined to set aside the order passed in Cr.M.P.No.2063 of 2020 dated 18.11.2020, on the file of the learned Judicial Magistrate No.II, Usilampatti. This Criminal Revision Case is allowed and the petitioner is ordered to be released on bail on the following condition:

(I) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti.

(II) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(III) The petitioner shall appear before the trial Court daily at 10.30 a.m., until further orders.

Sd/-

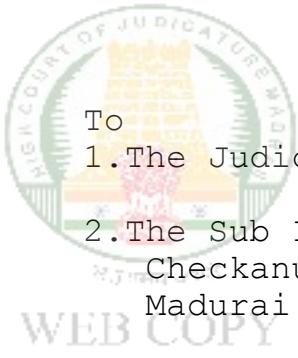
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

Mrn



To

1.The Judicial Magistrate No.II, Usilampatti

2.The Sub Inspector of Police,
Checkanurani Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-The Superintendent,Central Prison,Madurai.

Crl. R.C.(MD)No.711 of 2020

(DKS)CO

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