

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.188 of 2021

Logesh

... Petitioner/5th Accused

-Vs-

State by Inspector of Police,
R-4, Soundarapandianar Angadi Police Station,
T.Nagar, Chennai - 600 017.
(Crime No.680 of 2020) ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 439 of Code of Criminal Procedure praying to enlarge the petitioner on bail pending investigation in Crime No.680 of 2020 on the file of respondent police.

For Petitioner : Mr.G.M.Syed Fasi Mohammed

For Respondent : Mr.M.Prabhavathi
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.10.2020 for the offence punishable under Section 395 IPC, 1860, in Crime No.680 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Noorul Huck is that he is residing at T.Nagar, and that on 30.09.2020 at 04.00 p.m., when he was in the first floor and his wife and children were in the ground floor, his wife's relative Mohideen, who was staying with them for sometime, had opened the gate and allowed the other accused inside and the accused after entering into the house had threatened the inmates of the house and had stolen and committed dacoity of 120 sovereigns of gold jewelery, watch worth at Rs.95,000/- and also taken their Honda Car from the house. The defacto complainant, suspecting that his relative Mohideen would have done the offence, had given a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 06.10.2020, and now, 90 days judicial custody is over, the respondent police did not file the final report. The co-accused, namely A2 and A3 have been arrested and also released on bail.

4.The learned Additional Public Prosecutor would, on instructions submit that even though the final report is ready so far the final report has not filed before the concerned Court and also submitted that A2 and A3 have been arrested and also released on bail.

5.Heard the learned counsels on either side and perused the materials available on record.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also taking into consideration that the petitioner is in judicial custody for more than 90 days, and admittedly so far final report has not been filed, the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C., and this Court 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 No.XVII, Metropolitan Magistrate, Saidapet, Chennai, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/01/2021

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 METROPOLITAN MAGISTRATE
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R-4, SOUNDARAPANDIANAR ANGADI POLICE STATION,
T NAGAR, CHENNAI-600 017.

CC to M/S.G.M.SYED FASI MOHAMMED Advocate on payment of necessary charges

WEB COPY

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Date :11/01/2021

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