

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.442 of 2021

Abdul Samad @ Muhammed Jahafar Shathick

... Petitioner

Vs.

State Rep. by

The Station House Officer,
Bhuvanagiri Police Station,
Cuddalore District.
(Crime No.1185/2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1185 of 2020 pending on the file of respondent police.

For Petitioner : Mr. D.Gopikrishnan

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.11.2020 for the alleged offence under Section 394 of IPC in Crime No.1185 of 2020, seeks bail.

2. The petitioner is A1. The case of the prosecution is that on 09.11.2020, when the defacto complainant was going alone to her home, the petitioner alleged to have snatched the gold chain of the defacto complainant. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner snatched the gold chain of the defacto complainant and subsequently handed over to his wife, and she is still absconding and so far stolen property was not recovered. She would further submit that no previous case is pending as against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that there is no previous case pending as 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 District Munsif cum Judicial Magistrate, Portonovo, Cuddalore district 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 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.

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

-sd/-

04/02/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PORTONOVA,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT

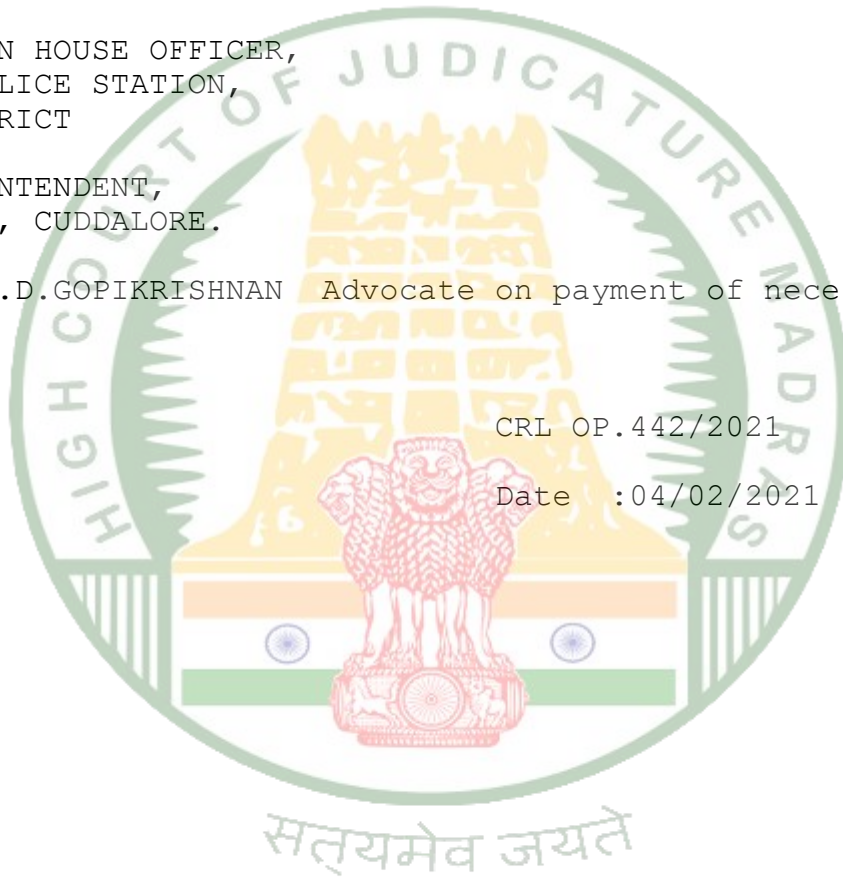
5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

CRL OP.442/2021

Date :04/02/2021

RVR 05/02/2021



WEB COPY