

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.325 of 2021

Sharukhan

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
K2 Ayanavaram Police Station,
Chennai 600 023.
(Crime No.922 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.922 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. P.Pugalenthiraj

For Respondent : Mr.M. Prabavathy,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 25.11.2020 for the offence punishable under Sections 379 IPC in Crime No.922 of 2020 and seeks bail.

2. The case of the prosecution is that the petitioner has stolen the two wheeler, which was parked in front of the defacto complainant's house. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he has been falsely implicated in this case. He would further submit that already the petitioner was granted bail in two other cases. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having two previous cases of similar in nature. If the petitioner is released

on bail, he may tamper the witnesses. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that the petitioner was already granted bail in two other cases 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 Metropolitan Magistrate, V Metropolitan Magistrate Court, Egmore, 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 daily twice at 10.30 a.m and 5.00 p.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/-

19/01/2021

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,
V METROPOLITAN MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-2 AYANAVARAM POLICE STATION,
CHENNAI 600 023.

5 THE SUPERINTENDENT,
CENTRAL PRISON-2, PUZHAL, CHENNAI - 66

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

WEB COPY

CRL OP.325/2021

Date :19/01/2021

MN-20/01/2021