

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1057 of 2021

Parthasarathy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thirunavallur Police Station,
Villupuram District.
(Crime No.2172 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.2172 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Sarath Chandran

For Respondent : Mrs.M. Prabhavathi,
Addl. 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 19.12.2020 for the offences punishable under Sections 420, 465, 468 and 471 of IPC, in Crime No.2172 of 2020, seeks bail.

2. There are totally six accused in this case and the petitioner is A1. The allegation is that the petitioner along with other accused had approached the de-facto complainant and informed him that they want to put up a cell phone tower in his place, for which they have to get some approval from the authority and received an amount of Rs.4,18,000/- from the de-facto complainant. Thereafter, neither they constructed a tower nor repaid the amount. Hence the complaint. The petitioner was arrested on 19.12.2020.

3. The learned counsel for the petitioner would submit that the petitioner introduced the other accused to open an account in the bank and other accused had received the money and that the petitioner has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody since 19.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused received money and failed to construct the mobile tower. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also taken into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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.II, Ulundurpet, Villupuram 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 shall deposit a sum of Rs.25,000/- (Rupees twenty fifty thousand only) to the credit of Crime No.2172 of 2020 before the concerned Magistrate's Court.

(d)the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m until further orders.

(e)the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-

25/01/2021

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 JUDICIAL MAGISTRATE NO.II,
ULUNDURPET, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S. S.SARATH CHANDRAN Advocate on payment of necessary charges

CRL OP.1057/2021

Date :25/01/2021

RVR 27/01/2021

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