

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2155 of 2021

1. Ajith Kumar
2. Yuvaraj @ Bala

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
M-5 Ennore Police Station,
Chennai City Police.
(Crime No.4000 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.4000 of 2020 on the file of respondent police.

For Petitioners : Mr.P.Senthilkumar

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioners are arrayed as A1 and A2. The petitioners, who were arrested and remanded to judicial custody on 19.11.2020 for the offence punishable under Section 397 of I.P.C. in Crime No.4000 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused said to have quarreled with the defacto complainant and also stolen a sum of Rs.9500/-. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 19.11.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that even though the petitioner was arrested on 19.11.2020, now 90

days period was also over, so far, the final report was not filed by the respondent.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that the petitioner is a notorious rowdy, an history sheeter and three previous cases pending against him. She would also submit that the final report was not filed by the respondent.

5. Taking into consideration of the fact that, the petitioner was arrested on 19.11.2020 and he is in judicial custody for more than 90 days, admittedly, no report has been filed, the petitioner is entitled for statutory bail under Sec.167(2) of Cr.P.C. 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, Thiruvottiyur, 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 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.

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

-sd/-
19/02/2021

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI CITY POLICE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

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

CRL OP.2155/2021

Date : 19/02/2021

ksm 22/02/2021

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