

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1205 of 2021

Ravikiran

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Arni Town Police Station,
Tiruvannamalai District.
(Crime No.17/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.17 of 2021 on the file of respondent police.

For Petitioner : Mr.R.Ranjith Kumar

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for the alleged offence under Section 399 of IPC in Crime No.17 of 2021, seeks bail.

2. Totally, there are 7 accused in this case and the petitioner is A2. The case of the prosecution is that all the accused persons made preparation to commit dacoity. Hence, the case has been registered against the petitioner and others.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the offence 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 out of 7 accused, two accused persons, viz., A6 and A7 are still absconding and investigation is still pending and 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 Judicial Magistrate, Arni 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.

6. 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

TO

1 THE JUDICIAL MAGISTRATE,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

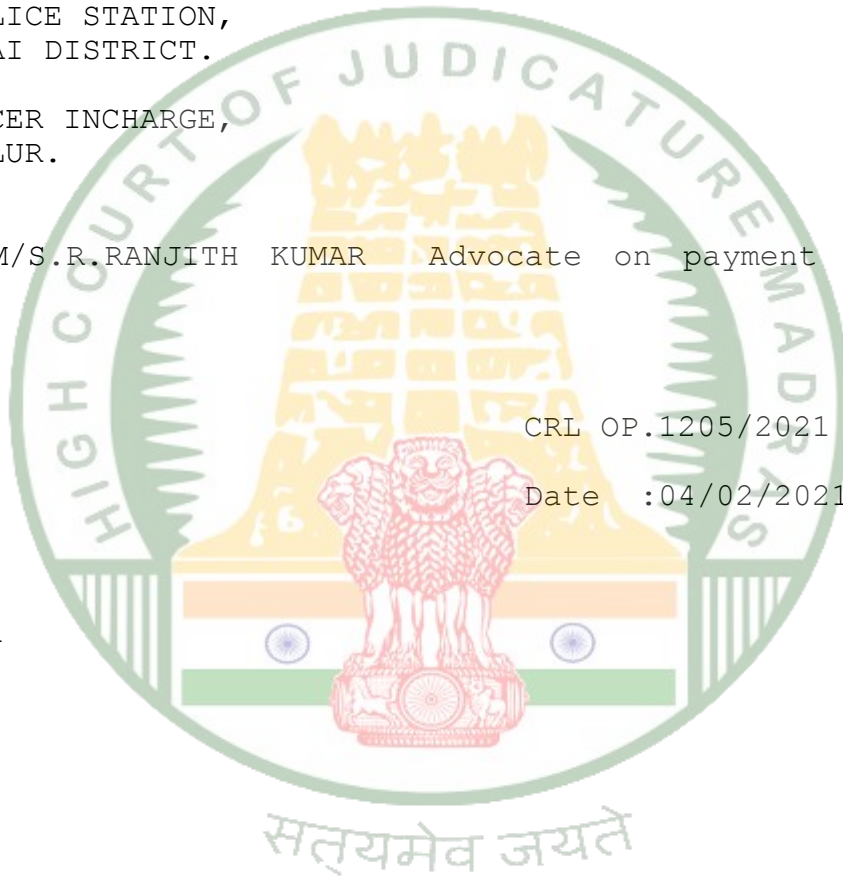
5 THE OFFICER INCHARGE,
SUB JAIL, POLUR.

CC to M/S.R.RANJITH KUMAR Advocate on payment of necessary
charges

CRL OP.1205/2021

Date :04/02/2021

MN-05/02/2021



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