

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1839 of 2021

Srinath Babu

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Oragadam Police Station,
Kancheepuram District.
(Crime No.1813 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.1813 of 2020, on the file of the Respondent Police.

For Petitioner : Mr.E.Veda Bagath Singh

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Sections 120 (b), 407, 420, 465, 468, 471 altered to 120(b), 407, 420, 465, 468, 471, 381, 411 and 414 IPC in Crime No.1813 of 2020, seeks bail.

2. Totally there are 9 accused. The case of the prosecution is that the defacto complainant haas kept 3529 tyres in his godown. All the accused persons colluded together and created fabricated invoices and documents and sold the tyres for less amount. The allegation against the petitioner is that he said to have purchased the tyres for less amount. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has only purchased the tyres and based on the confession of main accused, he has been roped into this case and he has nothing to do with the offence. He would further submit that co-

accused, namely, A1, A2 and A3 were granted bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused conspired together and created forged documents and sold the tyres kept in the godown, belongs to the defacto complainant and the petitioner has purchased the tyres for very less amount. 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 is only purchaser of the tyres and also the fact that co-accused in this case were already released on bail 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, Sriperumbudur, 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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(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/-
05/02/2021

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ORAGADAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.E.VEDA BAGATH SINGH Advocate on payment of
necessary charges SR NO. 1175

CRL OP.1839/2021

Date :05/02/2021

MN-08/02/2021