

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2090 of 2021

S.Ajay

... Petitioner

Vs.

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

... Respondent

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

For Petitioner : M/s. Dharani Kasinathan

For Respondent : Mr.M. Prabavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for an offence punishable under Section 399 IPC, in Crime No.17 of 2021, seeks bail.

2. There are totally seven accused in this case and the petitioner is A3. The allegation is that the petitioner and other accused were planning to commit dacoity. Hence, the case came to be registered. The petitioner was arrested on 10.01.2021.

3. The learned counsel for the petitioner would submit that the allegation against the petitioner is that he was planning to commit dacoity. The respondent police, due to some personal vengeance, falsely implicated the petitioner in this case. He would further submit that the petitioner is in judicial custody since 10.01.2021. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally seven accused in this case. The allegation is that the petitioner and other accused were

planning to commit dacoity and hence, the petitioner was arrested. Now, investigation is still going on. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case 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, Tiruvannamalai 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 report before the respondent police once in a week, i.e. on every Sunday 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/-
12/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE, ARNI
TIRUVANNAMALAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

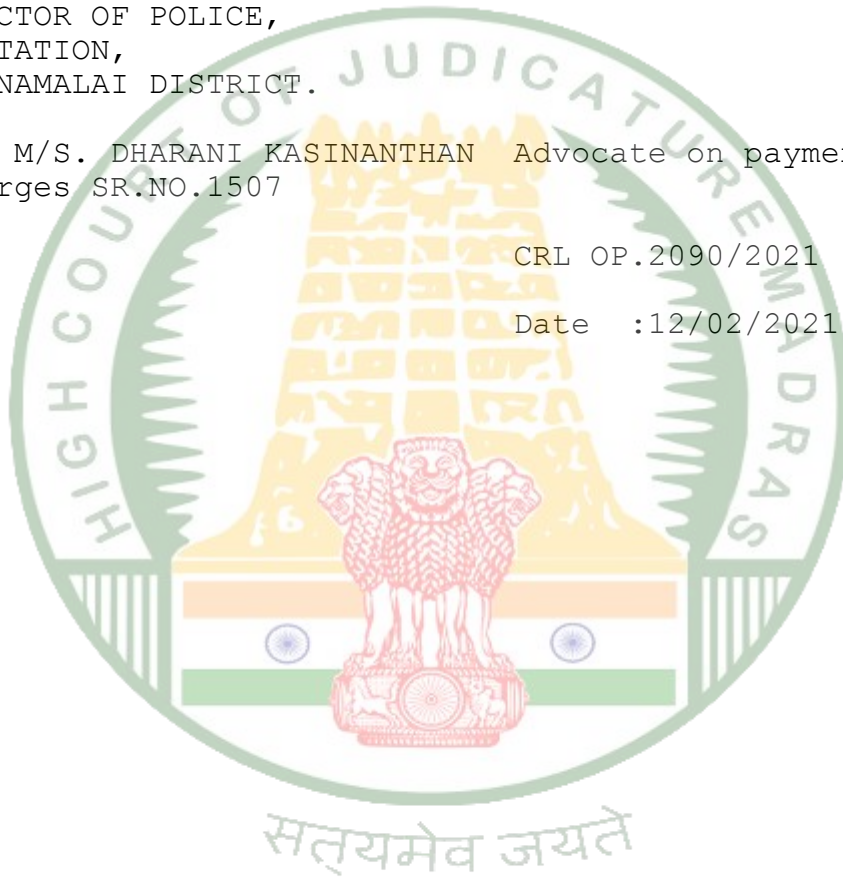
4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARNI, TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. DHARANI KASINANTHAN Advocate on payment of
necessary charges SR.NO.1507

CRL OP.2090/2021

Date :12/02/2021

TA-15/02/2021



WEB COPY