

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2490 of 2021

Sivaprakash

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Muthupettai Police Station
Thiruvarur District.
(Crime No.150 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.150 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. Swamisubramanian

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.01.2021 for the offence punishable under Section 379 of IPC in Crime No.150 of 2021, seeks bail.

2. Totally, there are two accused and the petitioner is A2. The case of the prosecution is that the petitioner along with other accused have committed theft of sand in a Bolero Pickup vehicle without any proper license or permission. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case only for statistical purpose. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused committed theft of sand in Bolero Pickup. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) without prejudice to his contention 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, Thiruthuraipoondi, Thiruvarur 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Mercy Home (Old Age Home), 64, Halls Road, Kilpauk, Chennai-600 010, (A/c.No.33136923317, IFSC No.SBIN 000 1853), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court

(d) the petitioner, on his release from prison, 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/-
17/02/2021

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,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, THIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

6 THE MERCY HOME (OLD AGE HOME),
64, HALLS ROAD, KILPAUK, CHENNAI-600 010,
(A/C.NO.33136923317, IFSC NO.SBIN 000 1853)

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO.1762

CRL OP.2490/2021

Date :17/02/2021

cs 18/02/2021