

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2492 of 2021

Siva

.. Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Tiruvannamalai Taluk Police Station
Tiruvannamalai District
(Crime No.2903 of 2020)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime Nos.2903 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s.M.Rebecca

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

O R D E R

Petitioner, who was arrested and remanded to judicial custody on 07.11.2020 for the offence punishable under Section 392 of IPC, in Crime No.2903 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and another accused waylaid the de-facto complainant and robbed 11 sovereigns of gold jewels from the de-facto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner was arrested and remanded to judicial custody on 07.11.2020. Despite the lapse of statutory period of 90 days, the respondent so far not filed the final report. In the said circumstances, the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that investigation in this case is almost over and the respondent police is going to file a final report. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances and the fact that the respondent has not filed the final report despite the lapse of statutory period, this Court is left with no other option except to grant bail. Hence, this Court is inclined to grant bail to the petitioner in both the petitions 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 No.II, Tiruvannamalai, 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/-
12/02/2021

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 NO.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.2492/2021

Date :12/02/2021

MK:15/02/2021

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