

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2723 of 2021

R. Vignesh

... Petitioner

Vs.

**(*)The State Rep. by
The Inspector of Police,
K-11, C.M.B.T. Police Station,
Chennai - 600 107.
(Crime No.1 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.1 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Illamvaludhi

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 02.01.2021 for the offence punishable under Section (*) 399 IPC in Crime No.1 of 2021, seeks bail.

2. The case of the prosecution is that the respondent police, on patrol, arrested the accused on suspicion. Hence, a case has been registered.

3. The learned counsel for the petitioner would submit that the name of the petitioner is not found in the First Information Report and he has not committed any offence. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that only on suspicion, the respondent police arrested 3 persons including the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that only on suspicion, the petitioner was arrested by the respondent police and also the fact that the name of the petitioner is not found in the First Information Report, 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 V Metropolitan Magistrate, Egmore, 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, before the respondent police 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/-
15/02/2021

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.

(*) Being mentioned and time is extended for a further period of two weeks for executing the sureties, from the date of receipt of a copy of the amended order, as per Order of this Court dated 24.02.2021

TO

1 THE METROPOLITAN MAGISTRATE
NO.V, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

**(*) 5 THE INSPECTOR OF POLICE,
K-11, C.M.B.T. POLICE STATION,
CHENNAI - 600 107.**

सत्यमेव जयते
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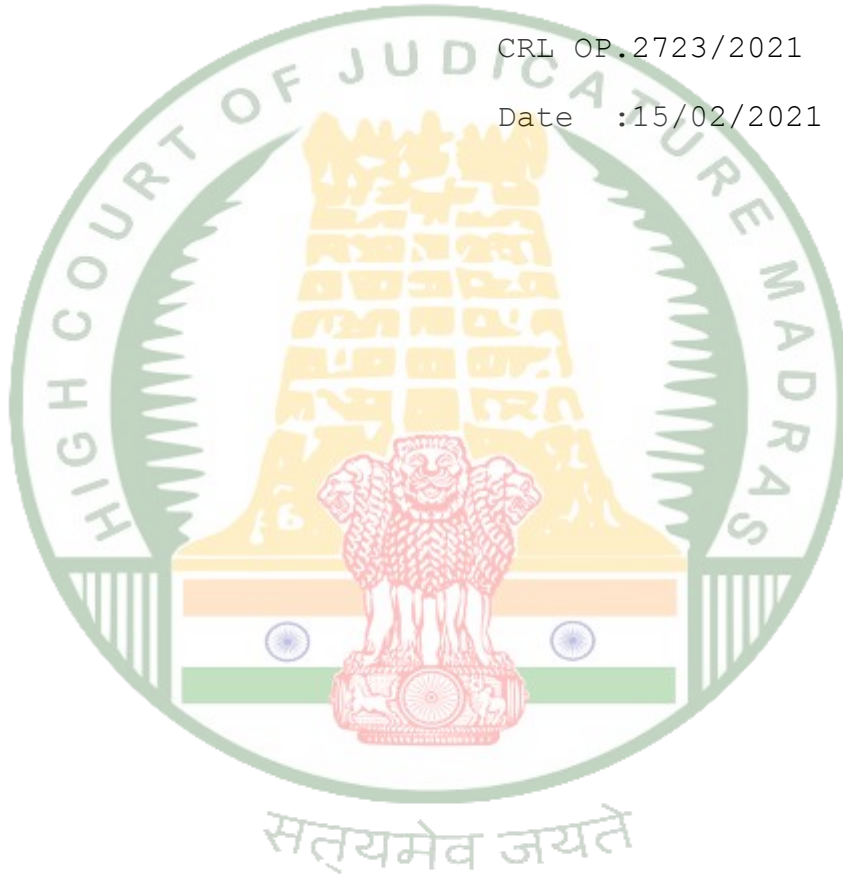
6 THE INSPECTOR OF POLICE,
K-10, KOYAMBEDU POLICE STATION,
KOYAMBEDU MARKET E ROAD,
KALIAMMAN KOIL STREET,
CHENNAI-600 107.

+1 CC to M/S.S.ILLAMVALUDHI Advocate on payment of necessary
charges SR.NO.2215

CRL OP.2723/2021

Date :15/02/2021

cs 16/02/2021
cs 24/02/2021



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