

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2740 of 2021

Elangovan

... Petitioner

Vs.

State by

The Inspector of Police,
Muthupettai Police Station,
Tiruvavarur Dt.

(Crime No.90 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.90 of 2020 on the file of Respondent police.

For Petitioner : Mr.Bala Manimaran

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A5. The petitioner, who was arrested and remanded to judicial custody on 25.01.2021 for the offence punishable under Sections 399 of I.P.C. altered into 399, 212 of I.P.C. in Crime No.90 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that all the five accused have made preparation for committing decoity in a nationalised bank. At that time, he was caught by the police and he was arrested and remanded to judicial custody on 25.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that totally there are five accused and all other arrested co-accused were released on bail. He would submit the petitioner is an innocent person, he has been falsely implicated in the present case and he is not involved in the offence as alleged in the complaint. He would submit that he is in jail from 25.01.2021. Hence, she prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the petitioner is habitual offender and having five previous cases. Now, the investigation is almost completed. She would submit that the other co-accused were arrested and released on bail. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the other co-accused were arrested and released on bail, now the investigation is almost completed, and considering the period of incarceration suffered by the petitioner for more than one month, 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 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, after his release from prison, report before the respondent 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 55601;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/03/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB-JAIL, NANNILAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO.2940

CRL OP.2740/2021

Date :08/03/2021

MK:09/03/2021