

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

CrI.O.P.No.2871 of 2021

Rajeshkumar @ Aashiq

Petitioner

/vs/

The State, rep. By
Inspector of Police, (crime)
R-11 Royala Nagar Police Station,
Chennai 600 089
Cr.No.23 of 2021

Respondent

PRAYER : Criminal Original Petition is filed under Section 439 Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.23 of 2021 pending investigation on the file of the respondent.

For petitioners : Mr. S. Sathish kumar

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 20.01.2021 under Sections 406 and 420 of IPC in Cr.No.23 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The allegation is that the petitioner has taken the defacto complainant's car on rental basis and also received cash Rs.46,000/- for replacing the car tyre and he has not returned the car and and also failed to pay the amount received. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has taken the defacto complainant's car on 20.03.2020, immediately the National lock down was announced, due to which the petitioner was not able to handover the car to the defacto complainant. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has taken the defacto complainant's car on rental basis and has not returned the same and also failed to pay the rent, that apart he has received cash for replacing the car tyre and he has not replaced the tyre nor returned the amount and now the car has been recovered from 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 there was a rental dispute between the petitioner and the defacto complainant 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 Magistrate Court No.1, Poonamalee, 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 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/-

19/02/2021

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.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE (CRIME),
B-11, ROYALA NAGAR POLICE STATION,
CHENNAI - 600 089.

+1 CC to M/S.S.SATHISHKUMAR Advocate on payment of necessary charges SR.No.1981

CRL OP.2871/2021

Date :19/02/2021

cs 22/02/2021