

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3412 of 2021

Prasanth

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri Dt.
(Crime No.617 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.617 of 2020 on the file of respondent police.

For Petitioner : Mr.R.Thirumoorthy

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

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A7. The petitioner, who was arrested and remanded to judicial custody on 07.09.2020 for the offence punishable under Sections 394 @ 395 of I.P.C. r/w Section 397 of I.P.C. in Crime No.617 of 2020, seeks bail.

2. The case of the prosecution is that A1 in this case is a neighbour of the defacto complainant. On her instigation, all the accused said to have went to the house of defacto complainant and snatched a gold chain and caused serious injury to her. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 07.09.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case and there is no bad antecedents against the petitioner. He would submit that he was arrested on 07.09.2020 and he is in jail for nearly six months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that on the instigation of A1, the accused persons have committed the offence and they have not only snatched the chain and also caused serious injury to her. She would also submit that there is no previous case pending against the petitioner, the investigation is also completed and now the matter is in the committal stage. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the investigation is almost completed, there is no bad antecedents against the petitioner, now the matter is in the committal stage and also considering the period of incarceration suffered by the petitioner from 07.09.2020, 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 No.II, Hosur 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 trial court viz., Judicial Magistrate No.II, Hosur on all hearing dates without fail 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/-
22/02/2021

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,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR NO.2071

CRL OP.3412/2021

Date :22/02/2021

MK:23/02/2021