

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3242 of 2021

1. Sivaprakasam
2. Rakesh @ Justin Baby
3. Mesaka Kumar

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
M-5 Ennore Police Station
Chennai.
(Crime No.30 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.30 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Nithiyavel

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 147, 148, 294(b), 336, 506(ii) of I.P.C. r/w 3 of TNPPDL Act in Crime No.30 of 2021, on the file of respondent, seek bail.

2. The case of the prosecution is that the petitioners have some enmity with one Jeevitha and while they are searching that person in their house, and they are not able to find the lady, the petitioners said to have attacked the auto standing in the street and caused damages. Hence, a criminal case has been registered against the petitioners, and they were arrested and remanded to judicial custody on 18.01.2021 and now, they have filed this petition seeking for bail.

3. The learned counsel appearing for the petitioners submitted that they have not involved in the offence and they have been falsely implicated in this case. He would submit that they are innocent persons and they are in judicial custody for more than one month. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that all these persons have deliberately attacked and caused damages to autorickshaw to the tune of Rs.5000/- and the investigation is still pending. Hence, she opposed to grant bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, the co-accused was arrested and released on bail, and also considering the period of incarceration suffered by the petitioner from 18.01.2021, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition that the petitioners shall deposit a sum of Rs.5000/- (Rupees Five Thousand Only) each to the credit of Crime No. 30 of 2021 on the file of respondent police and also to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur 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 petitioners, on their release from prison, shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
18/02/2021

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,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-5 ENNORE POLICE STATION,
CHENNAI.

+1 CC to M/S.M.NITHIYAVEL Advocate on payment of necessary charges
SR.NO.1830

CRL OP.3242/2021

Date :18/02/2021