

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3350 of 2021

Ranjith Kumar

Petitioner

/vs/

The State, rep. By
Inspector of Police,
Brammadesam Police Station,
Tiruvannamalai District.
Cr.No.1626 of 2020

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.1626 of 2020 pending investigation on the file of the respondent.

For petitioners : Mr. E. Sathiyaraj

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 02.01.2021 under Section 394 and 397 of IPC in Cr.No.1626 of 2020 on the file of the respondent police, seeks bail.

2. Totally there are three accused in this case and the petitioner herein is A3. The allegation is that the petitioner along with other accused waylaid the defacto complainant and snatched his cell phone and assaulted him with knife and caused injuries to him. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that based on the confession statement given by the co-accused the petitioner has been implicated in this case. Hence, he prays to grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner waylaid the defacto complainant and snatched his cell phone and assaulted him with knife. He would further submit that A1 and A2 in this case have already been arrested and enlarged on bail. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that A1 and A2 in this case have already been arrested and enlarged on bail 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, Cheyyar, Thiruvannamalai District, 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 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/-
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,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR.No.1961

WEB COPY

CRL OP.3350/2021

Date :19/02/2021

cs 22/02/2021