

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4041 of 2021

1. Anantharaj
2. Manoj

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Sholavaram Police Station,
Chennai.
(Crime No.5224 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.5224 of 2020 on the file of respondent police.

For Petitioners : Mr.C.K.M.Appaji

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

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioners are arrayed as A3 and A4. The petitioners, who were arrested and remanded to judicial custody on 18.12.2020 for the offence punishable under Sections 392 and 397 of I.P.C., in Crime No.5224 of 2020, seeks bail.

2. The case of the prosecution is that the petitioners said to have waylaid the defacto complainant and also robbed a sum of Rs.10,000/-. Hence, the criminal case has been registered against the petitioners, they were arrested and remanded to judicial custody on 18.12.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioners would submit that they are innocent persons and they are no way connected with the offence as alleged in the complaint. He would submit that they have been falsely implicated in the present case. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose the petition on the ground that the petitioners have waylaid the defacto complainant and robbed a sum of Rs.10,000/-. She would submit that there is no previous case pending against the petitioner. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that they have no bad antecedents, now the investigation is completed, and also considering the period of incarceration suffered by the petitioner for more than 70 days, 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 II, Ponneri, 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 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/-
02/03/2021

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 NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
CHENNAI.

+1CC to M/S.C.K.M.APPAJI Advocate on payment of necessary charges SR NO.2623

CRL OP.4041/2021

Date :02/03/2021

MK:04/03/2021

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