

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4316 of 2021

Ibrahim

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Vandawashi Police Station,
Vandawashi,
Thiruvannamalai District.
(Crime No.763 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.763 of 2020 on the file of respondent police.

For Petitioner : Mr.K.R.Mohanam

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

ORDER

(The case has been heard through video conference)

Totally, there are eight accused and the petitioner is arrayed as A8. The petitioner, who was arrested and remanded to judicial custody on 29.01.2021 for the offence punishable under Sections 397 of I.P.C., in Crime No.763 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, all the accused have entered in the TASMAC retail outlet and stolen liquor worth about Rs.21,000/-. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 29.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he was not present in the scene of occurrence and only other accused have stolen the liquor. He would submit he is an innocent person and the investigation is almost completed and he is in jail from 29.01.2021. Hence, he prayed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that A1 to A4 was detained under the Goondas Act. She would submit that A4 and A5 were arrested and released on bail by the Judicial Magistrate. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

6. Taking into consideration of the fact that, now the investigation is almost completed, the arrested co-accused were released on bail, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 29.01.2021, 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, Vandawashi**, 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, after his release from prison, 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.

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

-sd/-
05/03/2021

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,
VANDAWASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
VANDAWASI NORTH POLICE STATION,
VANDAWASHI,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+2 CC to M/S. K.R.MOHANAM Advocate on payment of necessary charges SR.NO.2827

CRL OP.4316/2021

Date :05/03/2021

TA-08/03/2021

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