

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.4279 and 1860 of 2021

Selvarasu

... Petitioner in both Crl.O.P's

Vs.

The State

.. Respondent in

By the Inspector of Police,
Pachal Police Station,
Thiruvannamalai District.
(Crime No.08 of 2021)

Crl.O.P.No.4279 of 2021

The State

.. Respondent in

By the Inspector of Police,
Pachal Police Station,
Thiruvannamalai District.
(Crime No.06 of 2021)

Crl.O.P.No.1860 of 2021

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime Nos.06 and 08 of 2021 on the file of the respondent police.

(For both Crl.O.P's)

For Petitioner : Mr.S. Silambuselvan

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

COMMON ORDER

(The case has been heard through video conference)

The petitioner in Crl.O.P.No.4279 of 2021 was arrested and remanded to judicial custody on 13.01.2021 for the alleged offence punishable under Section 392 of I.P.C in Crime No.08 of 2021, seeks bail.

2. The petitioner in Crl.O.P.No.1860 of 2021 was arrested and remanded to judicial custody on 13.01.2020 for the alleged offence punishable under Section 394 of I.P.C in Crime No.06 of 2021, seeks bail.

3. Totally there are 3 accused in this case and the petitioner herein arrayed as A1 in Crl.O.P.No. 4279 of 2021 in

crime No.08 of 2021. It is alleged that the petitioner way laid the defacto complainant and robbed cash Rs.10,000 and also snatched his mobile phone. Hence the complaint.

4. Totally there are 3 accused in this case and the petitioner herein arrayed as A1 in CrI.O.P.No.1860 of 2021. It is alleged that the petitioner way laid the defacto complainant and robbed cash Rs.8,000 and also snatched his mobile phone. Hence the complaint.

5.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has has been falsely implicated in this case and prays for grant of bail to the petitioner.

6.The learned Additional Public Prosecutor opposed the bail application stating that in both the cases, way laid the defacto complainant and robbed a sum of Rs.18,000/- She would further submit that co-accused was arrested and released on bail and there is no previous case pending against the petitioner.

7. Taking into consideration the facts and circumstances of the case and there is no bad antecedents against the petitioner and the co-accused was arrested and released on bail 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 Judicial Magistrate, Chengam 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 respondent police daily 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, these Criminal Original Petition are ordered.

-sd/-
10/03/2021

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PACHAL POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+2 CC to M/S.S.SILAMBUSELVAN Advocate on payment of necessary charges SR NO. 3103,3104

CRL OP.4279 & 1860/2021

Date :10/03/2021

MN-11/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>