

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4644 of 2021

Santhanakumar

... Petitioner

Vs.

State by

The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur Dt.
(Crime No.205 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.205 of 2021 on the file of Respondent police.

For Petitioner : Mr.J.Jawahar

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

O R D E R

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 04.02.2021 for the offence punishable under Section 399 of I.P.C. in Crime No.205 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that all the accused have made a preparation to commit decoity. Hence, a criminal case has been registered against the petitioner, he was arrested and remanded to judicial custody on 04.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner has been falsely implicated in this case and he has no bad antecedents. He would submit that the petitioner is in jail nearly 25 days. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that all the accused have made preparation to commit decoity. She would submit that one of the accused was granted anticipatory bail in CrI.O.P.No.2683 of 2021. Now, the investigation is almost completed and there is no bad antecedents against the petitioner. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, one of the accused was granted anticipatory bail and A1, A2 and A4 were granted bail, and investigation is almost completed, there is no bad antecedents against the petitioner, considering the period of incarceration suffered by the petitioner from 04.02.2021, 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, Tiruvarur 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 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/-
08/03/2021

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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION, सत्यमेव जयते
TIRUVARUR DISTRICT.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.4644/2021

Date :08/03/2021

MK:09/03/2021