

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.Nos.4716 and 4718 of 2021

C.David

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

Vs.

The State
By the Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai
(Crime No.76 of 2021)

... Respondent
in Crl.O.P.No.4716 of 2021

The State
By the Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai
(Crime No.75 of 2021)

... Respondent
in Crl.O.P.No.4718 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.75 and 76 of 2021 on the file of the respondent police.

(For both Crl.O.P's)

For Petitioner : Mr.G. Santhosh Kumar

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.4716 of 2021 was arrested and remanded to judicial custody on 01.02.2021 for the alleged offence punishable under Sections 294(b), 336, 341, 427, 397 and 506(ii) of I.P.C in Crime No.76 of 2021, seeks bail.

2. The petitioner in Crl.O.P.No.4718 of 2021 who was arrested and remanded to judicial custody on 01.02.2020 for the alleged offence punishable under Sections 392 and 397 of I.P.C in Crime No.75 of 2021, seeks bail.

3. Totally there are 3 accused in this case and the petitioner herein arrayed as A2 in Crl.O.P.No.4716 of 2021 in crime No.76 of 2021. It is alleged that the petitioner way laid the defacto complainant and abused him and also stolen a sum of Rs.240 from him. Hence the complaint.

4. Totally there are 3 accused in this case and the petitioner herein arrayed as A2 in Crl.O.P.No.4718 of 2021. It is alleged that the petitioner abused the defacto complainant and attacked him with Aruval and caused injuries to him.

5. The learned counsel for the petitioner would submit that in both the cases, the petitioner's name does not find place in the F.I.R 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, the petitioner have stolen money from the defacto complainant and attacked him. She would further submit that co-accused was arrested and released on bail.

7. Taking into consideration the facts and circumstances of the case and the the petitioner's name does not find place in the F.I.R 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 XVIII Metropolitan Magistrate, Saidapet, Chennai 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 as and when required for interrogation;

(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/-
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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
THIRUVANMIYUR, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

CRL OP.4716/2021

Date :10/03/2021

EP-11/03/2021