

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4787 of 2021

Dharani Kumar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Tindivanam Police Station,
Villupuram Dt.
(Crime No.248/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.248 of 2021 on the file of the respondent Police.

For Petitioner : Mr.P.Venugopal

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

O R D E R

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 12.02.2021 for the offence punishable under Sections 397 of I.P.C., in Crime No.248 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, all the accused waylaid the defacto complainant and stolen a sum of Rs.25,000/-. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 12.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the specific overtact attributed only against A1 and A2, the petitioner being a friend of A1, he was also implicated in this case. He would submit that the petitioner is an innocent person and he has

been falsely implicated in this case. He would submit that the petitioner is in jail from 12.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused have waylaid the defacto complainant and robbed a sum of Rs.25,000/-. She would submit that out of Rs.25,000/-, a sum of Rs.10,000/- was recovered. She would submit that now the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that now the investigation is almost completed, there is no bad antecedents against the petitioner and also considering the period of incarceration suffered by the petitioner from 12.02.2021, 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 learned Judicial Magistrate No.1, Tindivanam, 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, shall report before the respondent police 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/-
22/03/2021

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.I,
TINDIVANAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TINDIVANAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
SUB JAIL, TINDIVANAM.

CC to VENUGOPAL P. Advocate on payment of necessary charges

CRL OP.4787/2021

Date :22/03/2021

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EP-23/03/2021