

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5079 of 2021

Subash

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Royapuram Police Station,
Chennai.

(Crime No.66 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.66 of 2021 on the file of the respondent police.

For Petitioner : Mr. A. Venkatesan

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 04.03.2021 for the offence punishable under Sections 399, 402 of IPC in Crime No.66 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A1. The case of the prosecution is that all of the accused persons said to have made preparation to commit dacoity. Hence, the criminal case has been registered against them.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. Due to some enmity, a false case has been foisted as against the petitioner. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that no previous case is pending as against the petitioner. The petitioner along with other accused made preparation to commit dacoity. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that there is no previous case pending as against the petitioner and 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 XVI Metropolitan Magistrate, George Town, 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 release from the prison, shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, 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.

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

-sd/-

16/03/2021

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ROYAPURAM POLICE STATION,
CHENNAI.

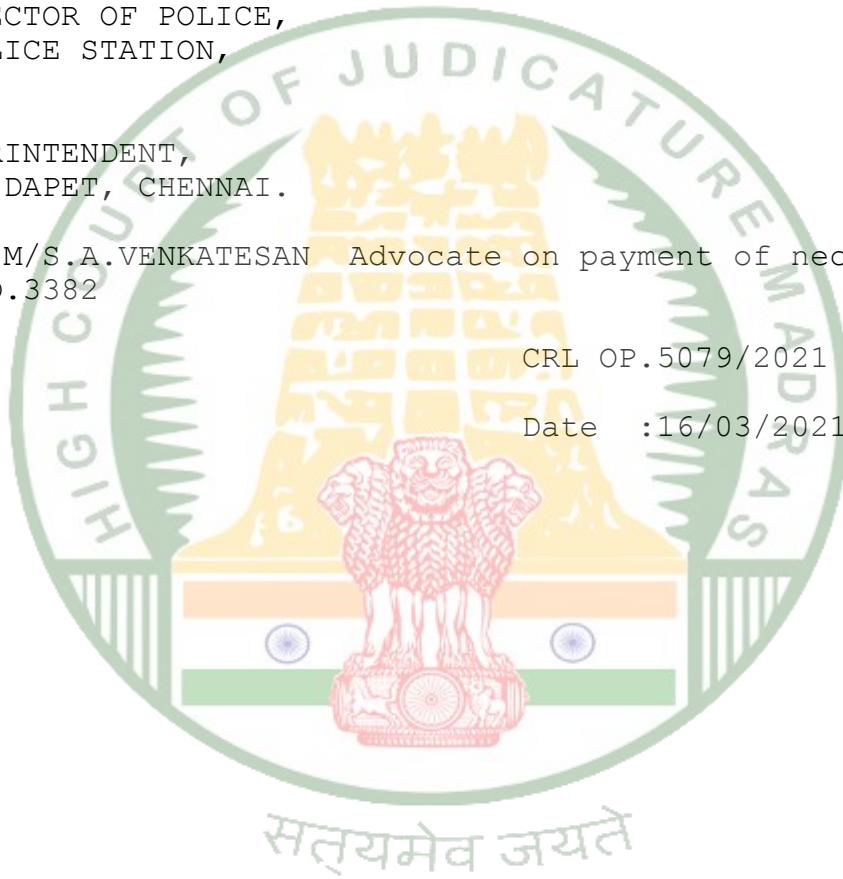
5 THE SUPERINTENDENT,
SUB JAIL, SAIDAPET, CHENNAI.

+1 CC to M/S.A.VENKATESAN Advocate on payment of necessary
charges SR.NO.3382

CRL OP.5079/2021

Date :16/03/2021

TA-17/03/2021



WEB COPY