

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4992 of 2021

Mahendiran

... Petitioner

Vs.

State rep.by

The Sub Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
(Crime No.69 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.69 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mrs. M. Prabhavathi,
APP[IN CRL.OP.NO.4992 OF 2021]

For Respondent : MR.K.MADHAN Govt. Advocate (Crl. Side)
[IN CRL.MP.NO.4660 OF 2021]

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 19.02.2021 for the offence punishable under Sections 294(b), 392 and 397 of IPC in Crime No.69 of 2021, seeks bail.

2. Totally, there are 6 accused and the petitioner is arrayed as A4. The case of the prosecution is that the defacto complainant is running a hotel. On the date of occurrence, all the accused went there and attacked the defacto complainant and looted a sum of Rs.20,000/- from the hotel. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner has not involved in the said occurrence and he has been falsely implicated in this case. He would further submit that the stolen money has been recovered only from the other accused and nothing has been recovered from the petitioner. He is in jail from 19.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that all the accused are notorious rowdy elements and the petitioner is having 3 previous cases. On the date of occurrence, all of them went to the defacto complainant's hotel and also stolen a sum of Rs.20,000/- from the hotel. Now, A5 is still absconding and Rs.3000/- has been recovered from the other accused and the remaining amount is yet to be recovered.

5. Considering the above said facts and circumstances of the case, 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) The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.69 of 2021 before the [*]Judicial Magistrate, Polur, within fifteen (15) days from the date of receipt of a copy of this order.

(b) On such deposit, 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, Polur, 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., 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/-
25/03/2021

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.

[*]Being mentioned and Time is extended for a further period of two weeks to comply with the conditions imposed by this Court in Crl.O.P.No.4992 of 2021 dated 25.03.2021, as per order of this Court dated 23/04/2021 made in CRL.MP.NO.4660 OF 2021 IN CRL.OP.NO.4992 OF 2021

TO

1[*] **THE JUDICIAL MAGISTRATE,
POLUR.**

2 THE JUDICIAL MAGISTRATE,
CHEYYAR.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

4 THE OFFICER INCHARGE,
SUB-JAIL, POLUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUB INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR NO.5227

CRL OP.4992/2021

Date :25/03/2021

MK:26/03/2021

MK:28/04/2021

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