

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6402 of 2021

Venkatesh

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Thiyagadurugam Police Station,
Villupuram Dt.
(Crime No.1676 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1676 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Saravanakumar

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

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 22.01.2021 for the offence punishable under Sections 380 and 457 of I.P.C., in Crime No.1676 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner said to have committed a theft of gold ornaments worth about Rs.80,000/- and vivo mobile phone in the house of defacto complainant. Hence, a criminal case has been registered against him and the petitioner was arrested and remanded to judicial custody on 22.01.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that he is an innocent person and he has not involved in offence as alleged in the complaint. Now, he is in jail for more than two months. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is an habitual offender and he has involved in many cases of house breaking. Hence, if he is released on bail, he will commit similar offence. Now, the investigation is almost completed, final report has been filed and the matter was also taken cognizance. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that now the investigation is almost completed, the final report has been filed and the matter was also taken cognizance, and also considering the period of incarceration suffered by the petitioner for nearly two months, 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 his executing 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 No.II, Kallakurichi, 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 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 filed under Section 229A IPC.

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

-sd/-
31/03/2021

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.II,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
THIYAGADURUGAM POLICE STATION,
KALLAKURICHI DISTRICT

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

CRL OP.6402/2021

MK:01/04/2021

Date :31/03/2021

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