

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5891 of 2021

Venkatesh

... Petitioner

Vs.

The State rep. By

The Sub-Inspector of Police,
Kallakurichi Police Station,
Villupuram Dt.

(Crime No.2442 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.2442 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mrs.M.Prabhavathi

Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.01.2021 for the offence punishable under Sections 454 and 380 of I.P.C., in Crime No.2442 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has broke open the defacto complainant's house and stolen gold jewels worth about more than Rs.1 lakh. Hence, a criminal complaint has been registered and he was arrested and remanded to judicial custody on 20.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the investigation is also completed and final report. That apart, the learned counsel submitted that on the very same day, nine cases have been registered against the petitioner and now, the petitioner is in jail for more than three months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that he is having 10 previous cases similar in nature. If he is released on bail, he is likely to commit the similar offence. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the investigation is almost completed and final report has been filed and also considering the period of incarceration suffered by the petitioner for more than 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 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 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, after his release from prison, shall appear before the trial court viz., learned Judicial Magistrate No.II, Kallakurichi daily at 10.30 a.m. on all working days without fail 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.

7. 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.

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,
KALLAKURICHI POLICE STATION,
VILLUPURAM DISTRICT

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

CRL OP.5891/2021

Date :25/03/2021

MK:26/03/2021

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