

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5121 of 2021

Muruganantham

... Petitioner

Vs.

State rep by
Inspector of Police,
Arachalur Police Station,
Cr.No.54 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.54 of 2021, on the file of the respondent.

For Petitioner : Mr.A.P.Sathiyamurthy

For Respondent : Mrs.M. Prabhavathi,
APP

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 341, 392 r/w 397 and 506(ii) of IPC in Crime No.54 of 2021, seeks bail.

2. Totally there are four accused in this case and the petitioner is A4. The case of the prosecution is that on 18.02.2021, the petitioner along with other accused said to have waylaid the defacto complainant and robbed a sum of Rs.5,000/- at knife point and also criminally intimidated him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the main accused persons are A1 to A3, who have been arrested and released on bail. He would further submit that the petitioner was in jail for more than 40 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused persons way laid the defacto complainant and stolen a sum of Rs.5,000/- from him. She would further submit that the petitioner is a habitual offender and there are seven previous cases pending against him. Now the investigation is almost completed and the co-accused persons/A1 and A3 have been arrested and enlarged on bail. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation has been completed and co-accused/A1 and A3 in this case have been arrested and released on bail 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 Judicial Magistrate No.1, Coimbatore, 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 shall appear 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/-
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,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, GOBICHETTIPALAYAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ARACHALUR POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.A.P.SATHIYAMURTHY Advocate on payment of
necessary charges SR NO.3761

CRL OP.5121/2021

Date :22/03/2021

MK:22/03/2021