

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5282 of 2021

E. Viswanathan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Mangalapuram Police Station,
Namakkal District.
(Crime No.82 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.82 of 2021 on the file of the respondent police.

For Petitioner : Mr. C. Vasudevan

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 28.01.2021 for the offence punishable under Sections 394 and 397 of IPC in Crime No.82 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant, who is a grocery shop owner and snatched 10 sovereigns of gold chain at knife point and escaped from the scene of occurrence. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. He is in jail from 26.01.2021. He would further submit that co-accused in this case has already been released on bail. 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 waylaid the defacto complainant and snatched 10 sovereigns of gold chain at knife point . She would further submit that there is no previous case pending as against this petitioner. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending as against the petitioner and co-accused in this case has already been released on bail and also taking note of 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, Rasipuram, 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 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/-
19/03/2021

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,
RASIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.C.VASUDEVAN Advocate on payment of necessary charges SR.NO.3686

CRL OP.5282/2021

Date :19/03/2021

TA-22/03/2021

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