

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6089 & 6090 of 2021

B. Gopalakrishnan @ Gopal

... Petitioner in both Crl.O.Ps

Vs.

State by

The Sub Inspector of Police,
Mangalam Police Station,
Tiruvannamalai District.

Crime No.1975 & 1976 of 2020

... Respondent in both Crl.O.Ps

PRAYER: Both the Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner pending investigation in Crime No.1975 & 1976 of 2020 on the file of the respondent police.

For Petitioner : Mr. Muthukumar
in both O.P.s

For Respondent : Mrs.M. Prabhavathi,
in both O.Ps 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 06.08.2020 in both the cases for the offences punishable under Sections 392 & 397 of IPC in Crime No.1975 & 1976 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is arrayed as A2 in both the cases. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused said to have waylaid the defacto complainants and robbed a cellphone and a sum of Rs.1100/- from him at knife point. Hence, both the complaint has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence. In the meantime, the petitioner was detained under Act 14 of 1982 and the detention order was also set aside. Now seeking bail the present application has been filed.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was detained under Act 14/82 and the same was set-aside by this Court. Now, investigation is completed and final report has also been filed, and, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation is completed and final report has been filed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, in both the cases, subject to the following conditions:

(a) The petitioner is ordered to be released on bail, in both the cases, 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 II, Tiruvannamalai, and on further conditions that:

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, both the Criminal Original Petitions are ordered.

-sd/-
26/03/2021

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,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

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

CRL.OP.NOS.6089 & 6090 OF 2021

MK:29/03/2021

Date :26/03/2021

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