

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5484 of 2021

Vignesh @ Sanjalan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Chengam Police Station,
Tiruvannamalai Dt.
(Crime No.34/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.34 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Mariappan

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

ORDER

(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 19.01.2020 for the offence punishable under Sections 294(b), 394 of I.P.C. @ 394, 392, 397 of I.P.C., in Crime No.34 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner said to have threatened the defacto complainant and robbed a sum of Rs.1000/-. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 19.01.2020. Now, this petition has been filed seeking for bail.

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 petitioner is in jail for more than 14 months. Now, the investigation is over and the final report was also filed. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is an habitual offender and having four previous cases. She would submit that now the investigation is almost completed and the matter is pending for

5. Taking into consideration of the fact that now the investigation is completed, the final report has been filed and also considering the period of incarceration suffered by the petitioner for 14 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, Chengam, 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 report before the committal court, viz, learned Judicial Magistrate, Chengam 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/-

19/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

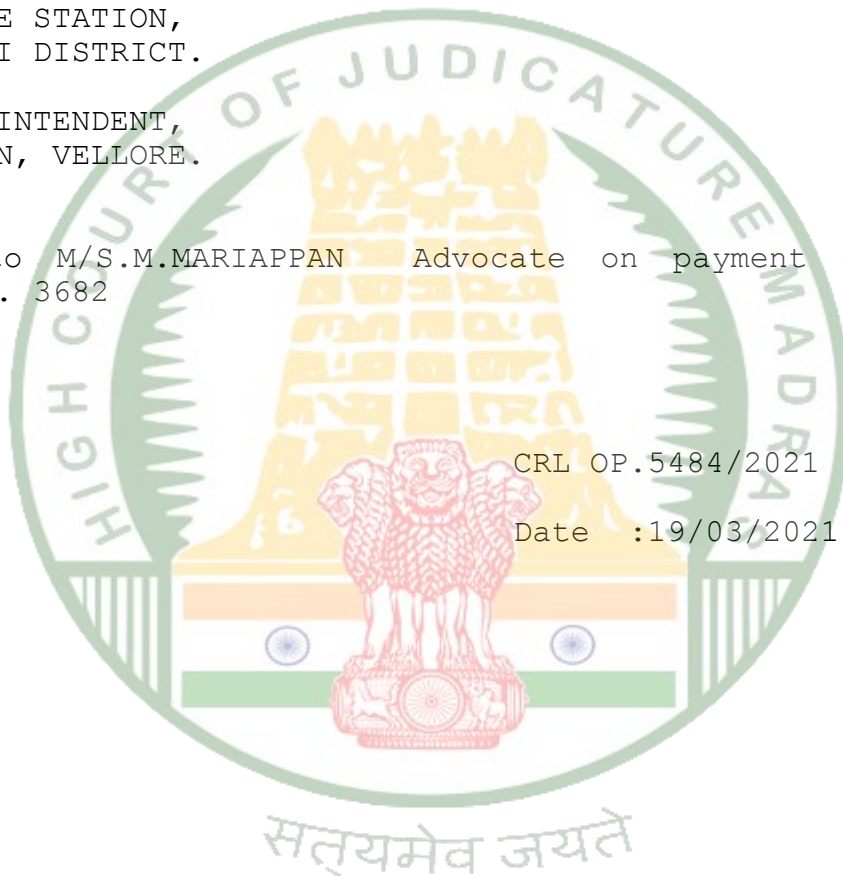
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary
charges SR NO. 3682

CRL OP.5484/2021

Date :19/03/2021

MN-22/03/2021



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