

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5591 of 2021

Rajkumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Minjur Police Station,
Thiruvallur Dt.
(Crime No.84 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.84 of 2021 on the file of Respondent police.

For Petitioner : Mr.M.Vinoth

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

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 17.02.2021 for the offence punishable under Sections 294(b), 323, 307, 506(ii), 379 and 511 of I.P.C. in Crime No.84 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is shepherd. While she along with her husband while grazing their goats, the petitioner along with A2 came in a bike and stolen a goat. When the defacto complainant questioned, they have attacked and criminally intimidated with her. Hence, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 17.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he has been falsely implicated in this case and due to previous enmity, the criminal case has been registered against the petitioner. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he is in jail from 17.02.2021. Hence, he prayed 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 stolen goat belong to the defacto complainant. When she questioned the same, the petitioner has attacked her with knife and criminally intimidated. She would further submit that co-accused in this case has already been granted bail by this Court in CrI.O.P.No.5108 of 2021 dated 15.03.2021 bail. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, now the investigation is almost completed and also considering the period of incarceration suffered by the petitioner nearly and also the fact that co accused in this case has already been released on bail, 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, Ponneri 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 respondent police daily at 10.30 a.m. for two weeks;

(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/-
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.II,
PONNERI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR NO. 3791

WEB COPY

CRL OP.5591/2021

Date :22/03/2021

MN-23/03/2021