

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5669 of 2021

B.Jagadeeshwaran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Hasthampatty Police Station,
Salem City.
(Crime No.83/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.83 of 2021 on the file of the respondent Police.

For Petitioner : Mr.E.C.Ramesh

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.02.2021 for the offence punishable under Sections 341, 392, 397 and 506(ii) of I.P.C., in Crime No.83 of 2021, seeks bail.

2. The case of the prosecution is that on 16.02.2021 at about 12.00 p.m., both the accused waylaid the defacto complainant, stolen a sum of Rs.300/-, gold chain and also criminally intimidated him. Hence, based on the complaint, a criminal case has been registered, and the petitioner was arrested and remanded to judicial custody on 16.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is a Law Graduate, and he is running a canteen in a college at Salem. Due to some enmity between the petitioner and the police, a false complaint has been registered against him and he is in jail for more than 1 ½ months. He would submit that the petitioner is an innocent person, he has been falsely

implicated in this case and now the arrested co-accused was released on bail. 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 nine previous cases, which are similar in nature. On the date of occurrence, the petitioner and other accused waylaid the defacto complainant, stolen money and jewels. If the petitioner released on bail, he will commit the similar offence. Hence, she opposed to grant bail to the petitioner.

5. Perused the records. The main allegation against the petitioner is that he along with other accused waylaid the defacto complainant at a busy road at Salem in the afternoon and stolen money and jewels. Now, it is stated that the petitioner is an habitual offender and having nine previous cases. On perusal of antecedents, it is seen that those occurrence were taken place during the year 2013 to 2019 and one in the year 2020. Now, the arrested co-accused was released on bail and the petitioner is in jail for more than 1 ½ months. Considering those facts and circumstances, and also considering the period of incarceration suffered by the petitioner from 16.02.2021, 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.III, Salem, 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. 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/-
23/03/2021

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.III,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM CITY.

CC to M/S.E.C.RAMESH Advocate on payment of necessary charges

CRL OP.5669/2021

Date :23/03/2021