

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6028 of 2021

V.Sakthi

... Petitioner

Vs.

... Respondent

State rep. By
The Inspector of Police,
B-3 Kanchi Taluk Police Station,
Kanchipuram Dt.
(Crime No.2433 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2433 of 2020 on the file of Respondent police.

For Petitioner : Mr.M.Murugan

For Respondent : Mr.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 14.02.2021 for the offence punishable under Sections 457 and 380 of I.P.C., in Crime No.2433 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has broke open the defacto complainant's house, stolen jewels and cash. Hence, the criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 14.02.2021. 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, the respondent police has not recovered any articles from the petitioner. He would submit that he is no way

connected with the offence as alleged in the complaint and he is in jail for more than one month. 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 habitual offender and having two previous cases. Now, the investigation is almost completed. However, she strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, and also considering the period of incarceration suffered by the petitioner from 14.02.2021, 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-II at Kanchipuram** 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/-
25/03/2021

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3 KANCHI TALUK POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

+1 CC to M/S.M.MURUGAN Advocate on payment of necessary charges SR.No.4003

CRL OP.6028/2021

Date :25/03/2021

TA-26/03/2021

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