

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6044 of 2021

Radhakrishnan

... Petitioner

Vs.

The Inspector of Police,
Ennore Police Station,
Chennai.
(Crime No.78 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.78 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Sarath Chandran

For Respondent : Mrs.M.Prabhavathi
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.02.2021 for the offence punishable under Sections 454, 380 r/w. 34 of IPC in Crime No.78 of 2021 on the file of the respondent police, seeks bail.

2. Totally, there are 7 accused and the petitioner is arrayed as A2. The case of the prosecution is that A1 in this case was the tenant under the defacto complainant. This petitioner and other accused are friends and relatives of A1. On the date of occurrence, all the accused conspired together and broke open the defacto complainant's house and stolen a sum of Rs.5 lakhs and gold jewels from his house. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that A1 is the tenant under the defacto complainant and there was some landlord-tenant dispute between them, due to which, a false case has been foisted as against A1 and the petitioner and others. He is in jail from 18.02.2021. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose the bail petition stating that all the accused persons joined together and stolen cash and jewels from the house of the defacto complainant. Now, all the stolen articles have been recovered from the accused persons and one of the accused is still absconding. The petitioner is involved in one previous case for the offence under Section 420 IPC. She would further submit that co-accused in this case was already released on bail. Now, Investigation is almost completed.

5. Considering the facts and circumstances of the case, and the fact that investigation is almost completed and co-accused was released on bail and also considering the period of incarceration suffered by the petitioner, 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, Thiruvottriyur, 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, on his release from the 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/-
30/03/2021

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,
THIRUVOTTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S S.SARATH CHANDRAN Advocate on payment of necessary charges

WEB COPY

CRL OP.6044/2021

Date :30/03/2021

MN-31/03/2021