

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6527 of 2021

Nagaraj

... Petitioner

-versus-

State of Tamil Nadu,
Rep. by Inspector of Police,
Guduvancheri P.S.
Chengalpattu District.
[Crime No.183 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. 183 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Dr.K.Sundararaj

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

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 09.03.2021 in connection with a case registered in Crime No.183 of 2021 registered for the offence punishable u/s 341, 294(b), 324, 307, 392, 397 and 506(ii) of IPC, seeks bail.

2. There are totally four accused. The petitioner is A3. The allegation is that while the de facto complainant was riding on his two, the petitioner along with other accused waylaid and attacked him with deadly weapons and also robbed him off Rs.1000/- at knife point. Hence, case has been registered on a complaint from the de facto complainant-Kannan.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely roped in the case. The petitioner has no bad antecedent and he has been in custody for more than 20 days. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting bail.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed the petition reiterating the allegations made in the FIR. She however submitted that the victim had been discharged from the hospital.

5. Considering the said fact that the victim had been discharged from the hospital and the petitioner is in judicial custody for the last 20 days and also the fact there is no bad antecedent reported as against the petitioner and the other circumstances of the case, 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, Chengalpattu, 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 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.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/04/2021

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-II,
CHENGALPATTU.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
GUDUVANCHERI POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, CHENGALPATTU.

+2 CC to M/S.DR.K.SUNDARARAJ Advocate on payment of necessary charges SR NO. 4393

WEB COPY

CRL OP.6527/2021

Date :01/04/2021

MN-07/04/2021