

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6406 of 2021

Karthick @ Kallu

... Petitioner

-versus-

The State,
Rep. by Inspector of Police,
M-8, Sathangadu P.S.,
Chennai.
[Crime No.14 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. 14 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.01.2021 in connection with a case registered in Crime No. 14 of 2021 for the offence punishable u/s 397 of IPC, seeks bail.

2.Totally there are three accused in this case and the petitioner is A3. The allegation is that the petitioner along with the other accused waylaid the de facto complainant, when he was proceeding to take some tea after parking his lorry on the road side, attacked and robbed him off his cellphone.

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 was granted bail by the learned Sessions Judge himself. The petitioner is in judicial custody for the last more than 75 days and he 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 for bail reiterating the allegations made in the FIR. She further submitted that the petitioner committed series of robberies in one day and there are two other cases registered against the petitioner. She however submitted that the all the accused were arrested and robbed properties were recovered.

5. It appears that substantial investigation is over with the arrest of the accused and seizure of the robbed properties. The petitioner is said to have been granted bail in the other cases. Considering the above facts and the period of incarceration of the petitioner and also on considering 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, Tiruvottiyur, Tiruvallur District, 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,
TIRUVOTTIYUR, TIRUVALLUR DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-8 SATHANGADU POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

+1 CC to M/S.R.MUKESH KANNAH Advocate on payment of necessary
charges SR NO. 4451

CRL OP.6406/2021

Date :01/04/2021

MN-07/04/2021

सत्यमेव जयते

WEB COPY