

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6456 of 2021

M. Bakkiyaraj

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Chengam Police Station,
Thiruvannamalai
(Crime No.103 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.103 of 2021 on the file of the respondent.

For Petitioner : Mr.P. Jayachandran

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 03.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 341, 392, 397, 506(ii) of IPC in Cr.No.103 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 2 accused and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant at knife point and robbed a sum of Rs.1,000/- from him and also threatened him with dire consequences. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the main allegation is only against A2 and the petitioner is not present at the scene of occurrence and he is in no way connected with the offence and that the petitioner has been in jail from 03.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner along with other accused waylaid the defacto complainant at knife point and robbed a sum of Rs.1,000/- from him and also threatened him with dire consequences. She would further submit that investigation is almost completed.

5. Taking into consideration the fact that no specific overt act has been attributed as against the petitioner and also the fact that investigation is almost completed 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

सत्यमेव जयते
15/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

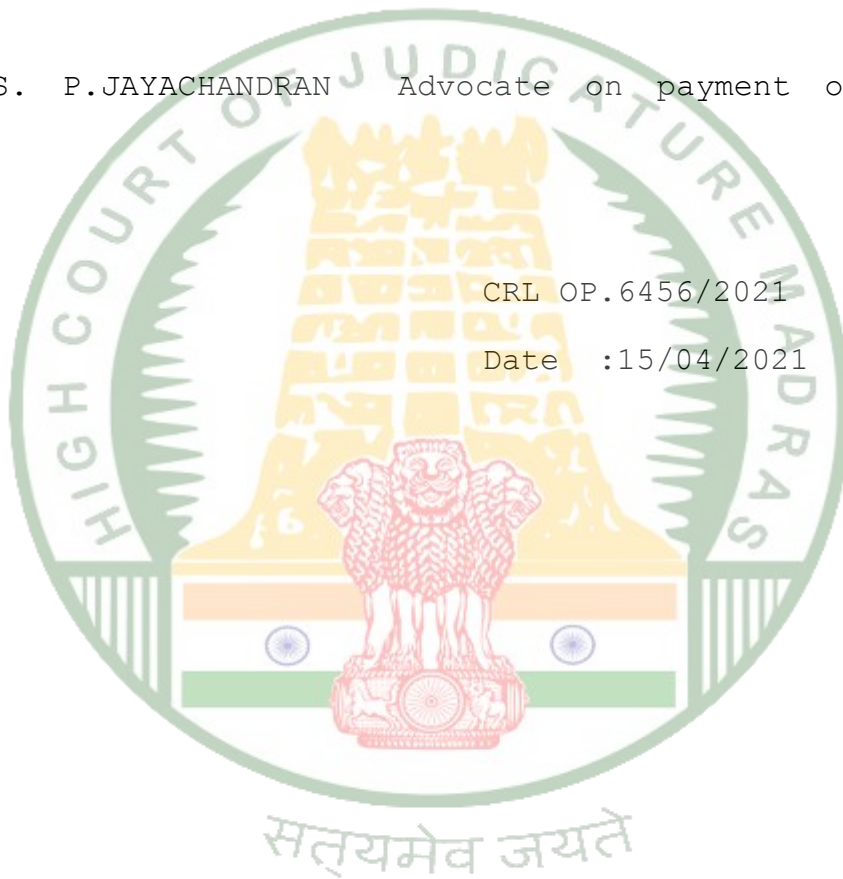
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. P.JAYACHANDRAN Advocate on payment of necessary
charges

CRL OP.6456/2021

Date :15/04/2021

MN-15/04/2021



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