

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.6989 and 6943 of 2021

Mohammed Hussain

... Petitioners
(in both Crl.Ops)

Vs.

The State by Rep by
Inspector of Police,
Kaveripattinam Police Station
(Crime No.65 of 2021)
and
(Crime No.48 of 2021)

... Respondent
(in both Crl.OPs)

PRAYER in Crl.OP.No.6989 of 2021

Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.65 of 2021 pending investigation on the file of the respondent police.

PRAYER in Crl.OP.No.6943 of 2021

Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.48 of 2021 pending investigation on the file of the respondent police.

(for both Crl.O.Ps)

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

COMMON ORDER

The petitioner in Crl.O.P.No.6989 of 2021, who was arrested on 23.02.2021 and remanded to judicial custody for the offences under Section 392 of IPC in Cr.No.65 of 2021 on the file of the respondent police seeks bail.

2.The petitioner in Crl.O.P.No.6943 of 2021, who was arrested on 23.02.2021 and remanded to judicial custody for the offences

under Sections 379 altered to 392 of IPC in Cr.No.48 of 2021 seeks bail.

3. The case of the prosecution in in CrI.O.P.No.6989 of 2021 is that the petitioner snatched gold chain weighing about 2.5 sovereign approximately. Hence, the law enforcing agency registered a case against the petitioner.

4. The case of the prosecution in in CrI.O.P.No.6943 of 2021 is that the petitioner snatched gold chain weighing about 3 sovereigns approximately. Hence, the law enforcing agency registered a case against the petitioner.

5. The learned counsel for the petitioner submit that the petitioner had not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he is in jail from 23.02.2021. Therefore, he prays to grant bail to the petitioner.

6. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the petitioner is habitual chain snatcher. She further submits that investigation is almost completed.

7. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. 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) each 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 No.1 Krishnagiri** 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/-

16/04/2021

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 NO.1
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.6989 & 6943/2021

Date :16/04/2021

TA-17/04/2021