

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.8232 of 2021

Ayyanar

... Petitioner

Vs.

The State

represented by Inspector of Police,  
K-11 CMBT Police Station,  
Chennai  
(Crime No.73 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.73 of 2021 on the file of the respondent.

For Petitioner : Mr. T. Sivagnansambandan

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 23.03.2021 and remanded to judicial custody for the offences under Section 379 of I.P.C, in Cr.No.73 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the defacto complainant is the conductor in the Tamil Nadu State Government Transport Corporation and when the bus was parked in bus stand, the bag was stolen by some one. Based on the CCTV Footage it is found that the petitioner have stolen the conductor bag. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has been in jail from 23.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner have stolen the conductor bag, but the bag contains only tickets and there was no cash in it.

5. Taking into consideration the facts of the case and 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 V Metropolitan Magistrate Court, Egmore 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/-

30/04/2021

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

TRUE COPY

WEB COPY

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

TO

1 V METROPOLITAN MAGISTRATE  
COURT, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
K11, CMBT POLICE STATION,  
CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

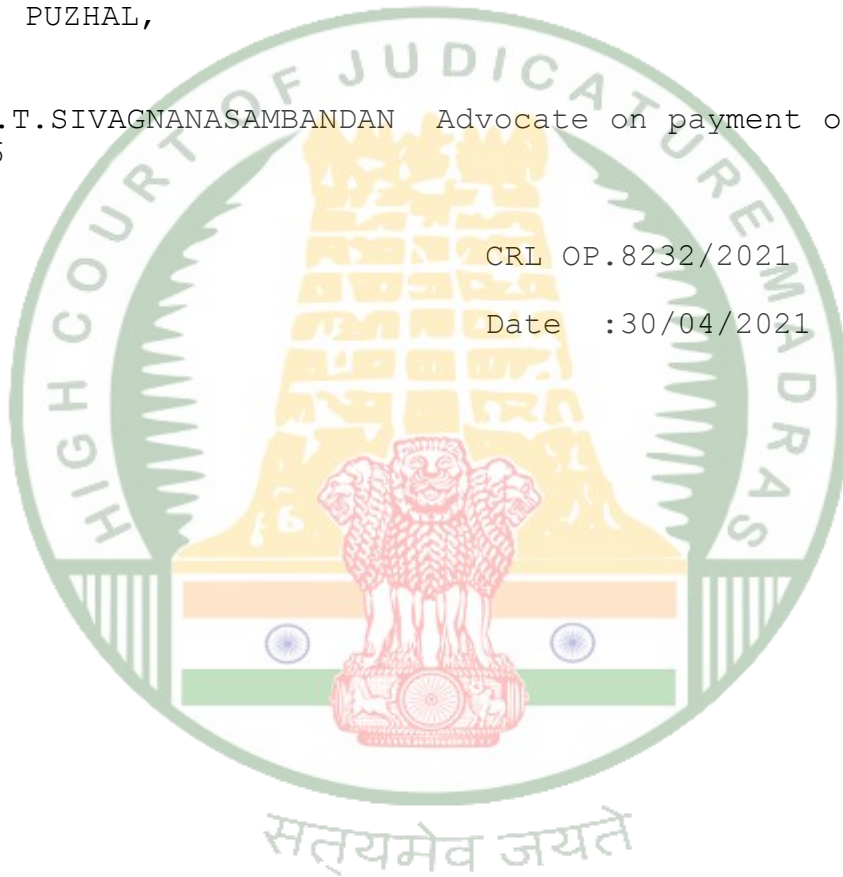
5 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI

CC to M/S.T.SIVAGNANASAMBANDAN Advocate on payment of necessary  
charges Sr.5686

CRL OP.8232/2021

Date :30/04/2021

RVR 03/05/2021



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