

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.8386 of 2021

Kaviarasu

... Petitioner

Vs.

State: The Sub Inspector of Police,
Desur Police Station,
Thiruvannamalai District.
(Crime No.442 of 2020) Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.442 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Sam Nandhakumar

For Respondent : Ms.R.Krithika Kamal
Government Advocate

ORDER

The petitioner/Accused No.4, who was arrested and remanded to judicial custody on 06.06.2020 for the offences under Sections 341, 364A, 386, 457, 392 r/w 309, 302, 201 r/w. 34 of IPC in Cr.No.442 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of the deceased one Ashok Chakravarthi, who was running a pawn broker shop in the name and style of Sri Dharmadevi Pawn Broker. The petitioner/A4 and other accused persons had joined together and attacked the defacto complainant's husband and robbed 30 sovereigns of jewels worth about Rs.10,00,000/-. The defacto complainant was died on the spot. Based on the complaint given by the defacto complainant, an FIR was registered.

3. The learned counsel for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 06.06.2020 and he has already suffered incarceration for more than 300 days. 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 persons had brutally attacked the deceased and caused death to him. It is brought to the notice of this Court that the 1st bail application filed by the petitioner in CrI.MP.No.1524 of 2021, was dismissed on 22.04.2021. The learned counsel further submitted that the jewels were recovered from the accused persons. The investigation has been completed and the charge sheet is ready to be filed before the concerned Court.

5. Taking into consideration the fact that the Jewels were recovered from the petitioner and also considering the period of incarceration suffered by the petitioner and co-accused has already granted bail by this Court in CrI.OP No.8128 of 2021 dated 30.04.2021, 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) 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, Vandavasi** 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 petitioners 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

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

TO

1 THE JUDICIAL MAGISTRATE,
VANTHAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
DESUR POLICE STATION,
TIRUVANNAMALAI DISTRICT-604 501.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.D.SAM NANDHAKUMAR Advocate on payment of necessary charges

CRL OP.8386/2021

Date :30/04/2021

TA-03/05/2021

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