

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8856 of 2021

Pandi

... Petitioner

Vs.

State Rep by
The Inspector of Police,
V-5, Tirumangalam Police Station,
Chennai.
(Crime No.54 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.54 of 2021 on the file of the Inspector of Police, V-5 Tirumangalam Police Station, Chennai.

For Petitioner : Mr.P.Saranath

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 19.03.2021 for the offence under Sections 392 of IPC, 25(1B) (a) of Arms Act. He seeks bail.

3.The case of the prosecution is that the petitioner and another person waylaid the defacto-complainant and showed a fake gun and robbed his mobile phone. The petitioner is not having any previous case and the article involved has since been recovered. The co-accused has also been granted bail.

4.Hence, 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 XIII - Magistrate Court, Egmore, Chennai 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 appear before the respondent police daily at 10.30 a.m., for a period of six weeks.

(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.

5. With the above directions, bail is granted and this Criminal Original Petition is ordered.

-sd/-

06/05/2021

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 XIII MAGISTRATE COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

4 THE INSPECTOR OF POLICE,
V-5, TIRUMANGALAM POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.8856/2021

Date :06/05/2021

MK:18/06/2021



WEB COPY