

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.8633 of 2021

M.Nagaraj

... Petitioner

Vs.

State rep. By

The Inspector of Police,

Kandachipuram Police Station,

Kandachipuram, Tirukoilur,

Villupuram District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner pending investigation in Crime No.185 of 2021 on the file of the respondent Police and confined in Villupuram Jail.

For Petitioner : Mr.N.Shyllappa Kalyan

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 21.04.2021 for the offence under Sections 364(A), 395, 397 and 506(ii) of IPC r/w Sections 25(1B) (a) and 27(1) of Arms Act. The Petitioner seeks bail.

3.It is not in dispute that the property involved has since been recovered. The petitioner has no previous case. The petitioner's counsel would state that the counter complaint has been given at the instance of one Senthilnathan. There appears to be a dispute with the defacto-complainant on the one hand and on the other hand with the said Senthilnathan. No specific overt act is attributed to the petitioner.

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 Judicial Magistrate, Thirukoilur 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 not commit any offences of similar nature; (d) the petitioner shall not abscond either during investigation or trial;

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

(f) 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 JUDICIAL MAGISTRATE,
THIRUKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE,
VILLUPURAM DISTRICT JAIL,
VILLUPURAM.

4 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM.

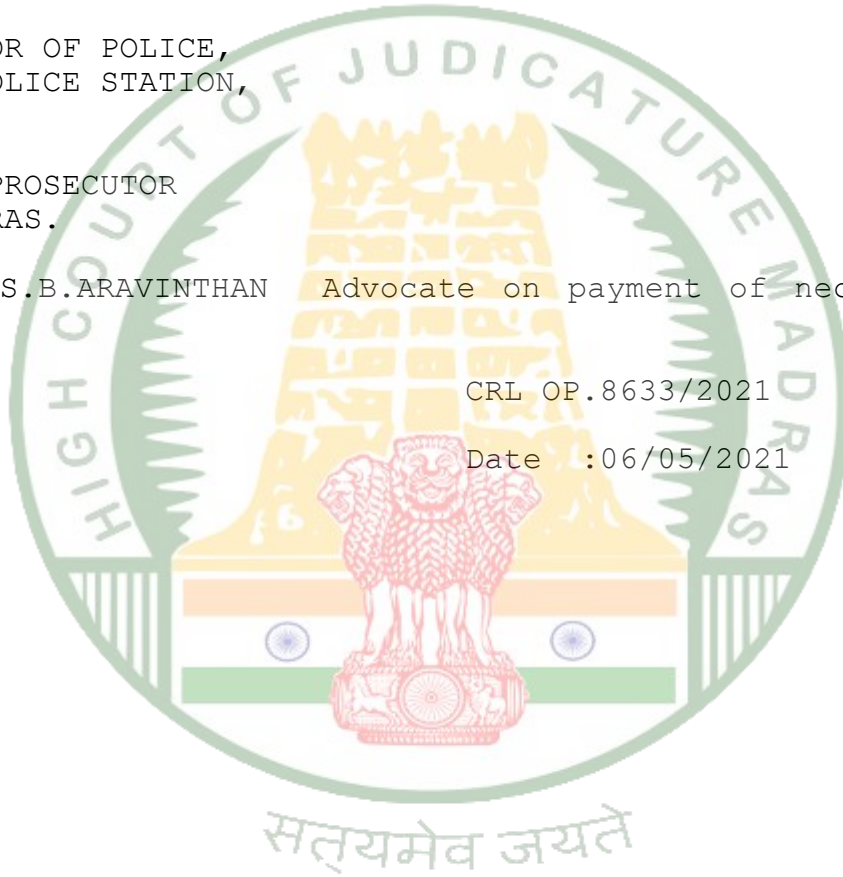
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.ARAVINTHAN Advocate on payment of necessary
charges

CRL OP.8633/2021

Date :06/05/2021

MK:18/06/2021



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