

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No. 8772 of 2021

Prabhakaran

... Petitioner/ Accused-1

Vs.

State rep. by

The Inspector of Police (Crime),
S-8, Adampakkam Police Station,
Chennai - 600 088.

(Crime No.61 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail, pending in Cr.No.61 of 2021 on the file of Respondent, S-8, Adampakkam Police Station, Chennai.

For Petitioner : Mr.C.Arivazhagan

For Respondent : Mr.E.Rajthilak

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.03.2021 for the offences punishable under Sections 379 of IPC, in Crime No.61 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed theft of a two wheeler bearing Registration No.TN 22-AM-1014 belonging to the defacto complainant.

3. The learned counsel appearing for the petitioner contended that the petitioner is an innocent person and a false case has been foisted against him. He further contended that he is in the Judicial Custody for the past 62 days.

4. The learned Government Advocate (Crl.Side) appearing for the respondent on instructions would submit that the petitioner is a History Sheeter in H.S.No.2 of 2016 and he is involved in five more cases of similar nature.

5.Considering the period of incarceration and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent, Sub-Jail, Saidapet, Chennai, and thereafter on his release;

(b) The Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Alandur within a period of 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent Police daily at 10.30 A.M. until further orders.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/05/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE (CRIME),
S-8 ADAMPAKKAM POLICE STATION,
CHENNAI-600 088.

CC to M/S C.ARIVAZHAGAN Advocate on payment of necessary charges

CRL OP.8772/2021

Date :19/05/2021

MK:20/05/2021

WEB COPY