

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM:

THE HON'BLE Ms.JUSTICE R.HEMALATHA

CRL.O.P.No.9304 of 2021

G.Karthik

... Petitioner

Versus

State, represented by,
The Inspector of Police,
Sulthanpet Police Station,
Coimbatore District.
(Crime No.76 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in connection with the in Crime No.76 / 2021 on the file of the Inspector of Police, Sulthanpet Police Station, Coimbatore, on such terms and conditions.

For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested and remanded to judicial custody on 21.03.2021 for the offences punishable under Section 379 IPC in Crime No.76 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 02.03.2021, the petitioner had stolen the aluminum wire weighing 3717 kgs worth Rs.7 Lakhs belonging to the Tamil Nadu Electricity Department.

3.The learned counsel appearing for the petitioner contended that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further contended that the petitioner is in judicial custody from 21.03.2021. Hence, he prays to grant bail to the petitioner.

4.Per Contra, the learned Government Advocate (Crl.Side) appearing for the respondent Police on instructions would submit that the petitioner/A3 had stolen the aluminum wires weighing 3717 kgs belonging to the Electricity Department worth Rs.7 Lakhs. Hence, prayed for dismissal of the bail application.

5.Considering the period of incarceration by the petitioner from 21.03.2021 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 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent, Central Prison, Coimbatore and thereafter on his release, shall execute a bond for Rs.10,000/- with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate, Sulur within a period of two weeks from the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(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 report before the respondent Police daily at 10.30 a.m., until further orders;

(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.

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,
SULUR.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SULTHANPET POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.LAW VISION Advocate on payment of necessary charges

CRL OP.9304/2021

Date :19/05/2021

cs 24/05/2021