

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9499 of 2021

Chinnaraj @ Chinnarasu

... Petitioner

Vs.

The State, represented by
Inspector of Police,
Kumaran nagar Police Station,
Adyar,
Chennai.
(Crime No.157 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, seeking to enlarge the petitioner on bail concerned in Crime no.157 of 2021 on the file of the Inspector of Police, Kumaran Nagar Police Station, Adyar, Chennai.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested on 29.04.2021 and remanded to judicial custody for the offences punishable under Sections 341, 294(B), 336, 427, 392, 397 and 506(2) of IPC in Cr.No.157 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.04.2021, the petitioner herein along with the other accused person robbed a sum of Rs.3000/- from the defacto complainant at knife point. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and that he has been falsely implicated in this case and the petitioner has been in jail from 29.04.2021. He further submitted on instructions that the petitioner

is ready to pay a sum of Rs.5,000/- (Rupees Five Thousand only) and that the same may be disbursed in favour of the defacto complainant. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed the grant of bail by stating that the the petitioner along with other accused said to have stolen a sum of Rs.3000/- from the defacto complainant at knife point. He further submitted that there is no previous case pending as against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also considering the fact that the petitioner has come forward to pay a sum of Rs.5,000/-, 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 of the Central Prison, Puzhal in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate Court, Saidapet.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) The petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the crime no.157 of 2021 before the XVIII Metropolitan Magistrate Court, Saidapet and the learned XVIII Metropolitan Magistrate, Saidapet is directed to disburse the said sum of money in favour of the defacto complainant.

(e) 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;

(f) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(h)the petitioner shall not abscond either during investigation or trial;

(i)on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

20/05/2021

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 METROPOLITAN MAGISTRATE
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KUMARAN NAGAR POLICE STATION
ADAYAR, CHENNAI.

CC to M/S R.PARTHIBAN Advocate on payment of necessary charges

CRL OP.9499/2021

Date :20/05/2021

cs 26/05/2021