

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9476 of 2021

Balaji Saravanan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Avinashi Police Station,
Trippur,
Crime No.120/2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, seeking to enlarge the petitioner on bail in FIR in Crime No.120/2021 on the file of the Respondent Police.

For Petitioner : Mr. S.Sagayanathan

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

ORDER

The petitioner who was arrested on 22.03.2021 and remanded to judicial custody for the offences punishable under Section 397 of IPC in Cr.No.120 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.03.2021, while the defacto compliant was commuting towards Trippur by his motor bike bearing registration number TN 25 BP 3361, the petitioner/A3 along with the other accused persons intercepted and had stolen the defacto complainant's bike. 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 22.03.2021. 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 the bike of the defacto complainant. He further submitted that the bike of the defacto complainant has been recovered and that there is no previous case pending as against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also that there is no previous case pending as against the petitioner 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 of the Central Prison, Coimbatore 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 Judicial Magistrate - II, Avinashi (Combined Court)

(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 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;

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

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

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

(h) 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;

(i) 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 JUDICIAL MAGISTRATE,
NO.II, AVINASHI (COMBINED COURT)

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AVINASHI POLICE STTION,
TIRIPPUR.

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

CRL OP.9476/2021

Date :20/05/2021

cs 26/05/2021