

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9637 of 2021

Arunachalam

... Petitioner

Vs.

State represented by
The Inspector of Police,
K11 CMBT Police Station,
Chennai - 600 107.
Crime No.81 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in K10 Crime No.81 of 2021 on the file of Respondent Police.

For Petitioner : Mr.N.Selvarajan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

ORDER

The petitioner who was arrested on 09.04.2021 for alleged offences under Section 379 of IPC in Crime No.81 of 2021 and remanded to judicial custody on 09.04.2021 by the learned 5th Metropolitan Magistrate, Egmore, Chennai, seeks bail.

2. The case of the prosecution is that one Prasanth gave a complaint that the petitioner along with two others committed theft of mobile phone worth about Rs.5,000/-.

3.The learned counsel for the petitioner would submit that the bail application of the petitioner in Crl.M.P.No.10394 of 2021 has already been dismissed by the I Additional Sessions Judge, on 19.05.2021 and he prays to allow this Criminal Original Petition.

4. The learned Government Advocate (Crl.Side) concedes that there are six previous cases pending against the petitioner and in that one is committing theft of mobile phone and other cases are 302 IPC, dacoity and robbery.

5. Considering the period of incarceration suffered by 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Prison, Puzhal, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute own bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the 5th Metropolitan Magistrate Court, Egmore, Chennai. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the 5th Metropolitan Magistrate Court, Egmore, Chennai.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) He/she shall not influence, threaten or coerce the witness either during investigation or trial;

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

(f) 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;

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

-sd/-
27/05/2021

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 COURT NO.5,
EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
K11 CMBT POLICE STATION,
CHENNAI-600 107.

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

CRL OP.9637/2021

Date :27/05/2021

MK:31/05/2021

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