

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9905 of 2021

Singaram

... Petitioner

Vs.

The Inspector of Police,
Kallavi Police Station,
Uthangarai Taluk,
Krishnagiri District.
(Crime No.66 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.66 of 2021 Pending investigation on the file of the Respondent Police.

For Petitioner : Mr.N.Umapathi

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 10.05.2021 for the offence punishable under Section 393 of IPC in Crime No.66 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the petitioner was tried to snatch the defacto complainant's chain, the public caught red handed the petitioner and produced to the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person. The petitioner the defacto complainant are relatives and they have previous enmity. Due to which, a false case has been foisted against him. The learned counsel further submitted that the petitioner is in judicial custody from 10.05.2021 and therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. side) submitted that there is some previous enmity between the petitioner and the defacto complainant and both are relatives. To wreck vengeance, the petitioner planned to snatch the chain of the defacto complainant and the petitioner has no previous case pending against him. Hence, he has no serious objection for the grant of the bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has already suffered incarceration from 10.05.2021 and there is no previous cases pending against him , this Court is inclined to grant bail to the petitioner subject to the following conditions.

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of Police, Sub Jail, Hosur, in which the petitioner has been confined on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Uthangarai, Krishnagiri District within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, 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) on release, the petitioner shall report before the respondent police daily at 10.30 AM for a period of two weeks and thereafter, as and when required for interrogation;

(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 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/-
04/06/2021

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,
UTHANGARAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KALLAVI POLICE STATION,
UTHANGARAI TALUK,
KRISHNAGIRI DISTRICT.

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

CRL OP.9905/2021

MK:07/06/2021

Date :04/06/2021

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