

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9988 of 2021

P.Jayaprakash ... Petitioner/Accused

Versus

State by rep. By its
The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.231 of 2021) ...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in Crime No.231 of 2021, pending on the file of the Inspector of Police, Thiruvannamalai Taluk Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.B.Viswanathan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2021 for the offence punishable under Sections 392 and 397 of IPC in Crime No. 231 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.04.2021 at about 03.15 am., the petitioner along with other accused person waylaid the defacto complainant and demanded money. When the defacto complainant replied that he did not have money, the accused persons assaulted him with a wooden log and snatched Motorola Brand Cellphone worth Rs.5,000/-. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He is noway connected with the crime as alleged by the prosecution and seeks bail to the petitioner.

4.The learned counsel appearing for the respondent would submit that the petitioner along with other accused person attacked the defacto complainant with wooden log and caused injuries. Further they snatched Cell phone from the defacto complainant. Hence he objects to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, considering the fact that the injured had been treated as an out patient; injuries are minor in nature and also the petitioner is not having any previous case, 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 the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown 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 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 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.

08.06.2021

Internet: Yes

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To

1.The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.

2. The Judicial Magistrate No.II
Thiruvannamalai.

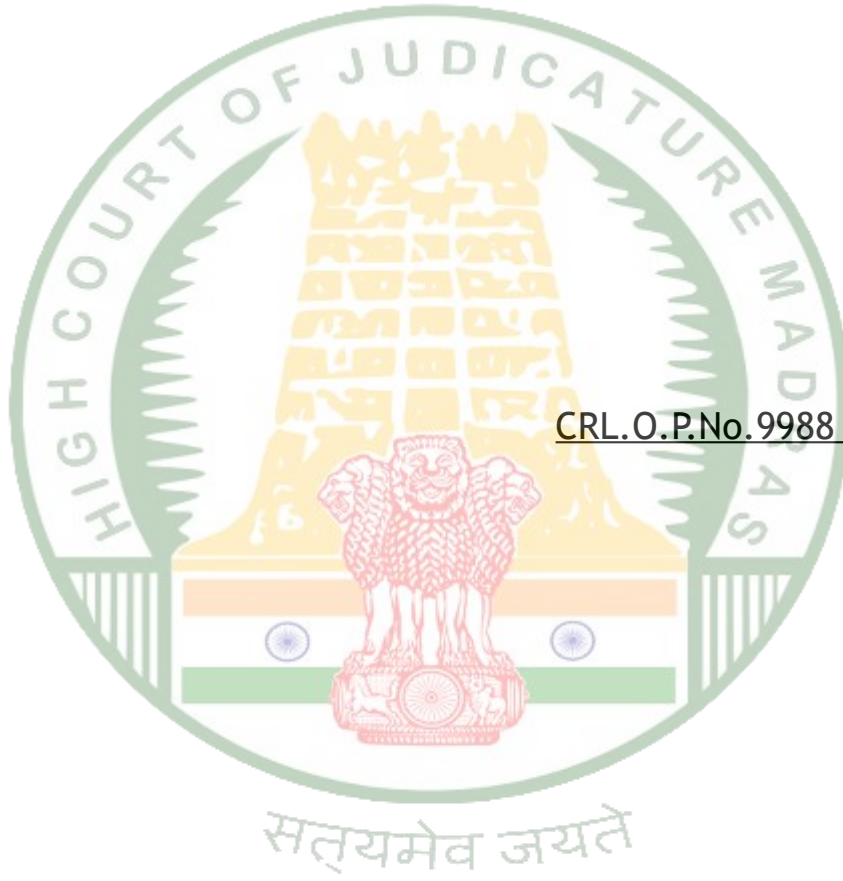
3.The Superintendent,
Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

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M.NIRMAL KUMAR, J.

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