



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10390 of 2021

Rathishkumar

... Petitioner

Vs.

State rep by
Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.166 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in connection with Crime No.166 of 2021 on the file of respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested on 16.05.2021 for the offence under Sections 342, 397 and 395 of I.P.C. in Cr.No.166 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner along with the other accused threatened two security persons of Palakurichi TASMACH shop with knife and snatched cell phone of one security person and broke open the shutter of the shop and committed theft of liquor bottles worth Rs.73,400/- and fled away.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case.

4.The learned Government Advocate (Cr1. Side) submitted that there is one previous case as against the petitioner.

5.Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail on 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 District Jail, Nagapattinam, 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 a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Nagapattinam;

(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 weeks 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/-

21/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
NO.1, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELANKANNI POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

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

CRL OP.10390/2021

Date :21/06/2021

TA-22/06/2021