

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10442 of 2021

K.Vinjith @ Vinjithkumar

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.194 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail the petitioner/ accused A3 is arrested on 10.05.2021 by the respondent police in connection with the Crime No.194 of 2021 on the file of respondent police.

For Petitioner : Mr.P.Jayachandran

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

ORDER

The petitioner who was arrested on 10.05.2021 for the offence under Sections 341, 294(b), 323, 397, 392 and 506(ii) of IPC in Cr.No.194 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 is alleged to have attacked the defacto complainant and took away his cell phone. The petitioner is arrayed as A3 in this case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant.

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

5.Considering 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 Vellore Prison 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.2, Tiruvannamalai;

(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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cr.No.194 of 2021 before the learned Judicial Magistrate No.2, Tiruvannamalai. On such deposit being made, the learned Judicial Magistrate No.2, Tiruvannamalai, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.10,000/- deposited by the petitioner will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(e)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;

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

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

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

(i) 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;

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

-sd/-

16/06/2021

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,
NO.2, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

WEB COPY

CRL OP.10442/2021

Date :16/06/2021

TA-17/06/2021