



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.13010 of 2021

Lakshmanan

.. Petitioner/A5

Vs.

State represented by
The Inspector of Police,
Thandrapattu Police Station,
Thiruvannamalai District.
(Crime No.2794 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code praying to enlarge the petitioner on bail pending investigation in Crime No.2794 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Anbazhagan

For Respondent : Mr.L.Baskaran
G.A. (Crl.Side)

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O R D E R

(The case has been heard through video conference)

The petitioner/A5, who was arrested and remanded to judicial custody on 26.12.2020, for the offence punishable under Sections 460, 395 and 397 of IPC in Crime No.2794 of 2020, seeks bail.

2. The case of the prosecution is that totally, there are seven accused and the petitioner was arrayed as A5. The petitioner and other co-accused broke open the door of defacto complainant, attacked him and also stolen gold jewels and cash. Hence, a criminal case has been registered against the petitioner. Accordingly, the petitioner he was arrested and remanded to judicial custody on 26.12.2020 and now, seeking bail, the present petition has been filed.

3. This is the second bail application. Earlier, this Court dismissed the bail application filed by the petitioner on 15.02.2021, considering the seriousness of offence and also the bad antecedents of the petitioner.

4. The learned counsel appearing for the petitioner would submit that the investigation is over, the final report has been filed and the matter is pending for committal. The learned counsel further



submitted that now the stolen articles have been recovered and that the petitioner is in judicial custody since 26.12.2020. Hence, the learned counsel seeks bail to the petitioner.

5. The learned Government Advocate (Crl.Side) strongly opposed the granting of bail to the petitioner. He submitted that the earlier bail application moved by the petitioner was dismissed by this Court on 15.02.2021, in Crl.O.P.No.2681 of 2021. He further submitted that the petitioner has bad antecedents and he has two previous case. He further submitted that some of the stolen articles were recovered from the accused and the cash stolen by the accused were not recovered. That apart, A1 to A3 were detained under the Goondas Act.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that investigation is over, final report has been filed and some of the stolen articles were recovered from other accused and the co-accused were released on bail and the petitioner was in incarceration for nearly 7 months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thandarampattu, Thiruvannamalai District and on further conditions that:

(b) 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;

(c) the petitioner shall report before the Committal Court at 10.30 a.m., on all working days for a period of four weeks and thereafter on all hearing days;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/07/2021

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,
THANDARAMPATTU,
THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
THANDRAMPET POLICE STATION,
TIRUVANNAMALAI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13010/2021

Date :28/07/2021

RW 28/07/2021