

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11900 of 2021

Anthony

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.134 of 2021)

... Respondent

Prayer: Petition filed under Section 439 of Cr.P.C., seeking to release the petitioner on bail pending investigation in Crime No.134 of 2021 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The petitioner who was arrested on 12.06.2021 for the offence under Sections 392, 397 of I.P.C. subsequently altered into 395, 397 of I.P.C. in Cr.No.134 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 committed theft of 9 sovereigns of gold and cash of Rs.5,000/- from the defacto complainant.

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. He further submitted that the co-accused has already been enlarged on bail.

4.Heard the submissions made by the learned Government Advocate (Cr1. Side).

5.Considering the period of incarceration undergone by the petitioner and the fact that the co-accused has already been enlarged on bail, 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 Central Prison, Salem, 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 DM Cum Judicial Magistrate, Denkanikottai;

(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 2118-A IPC.

-sd/-
12/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

WEB COPY

CRL OP.11900/2021

Date :12/07/2021

MN-13/07/2021