



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13637 of 2021

Satham Hussein

... Petitioner

Vs.

State rep by its,
The Inspector of Police,
Vandavasi North Police Station,
Tiruvannamalai District.
(Crime No.763 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.763 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 27.10.2020 and remanded to judicial custody for the offence under Section 397 of IPC in Crime No.763 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along other accused persons had entered into the TASMAL shop and stolen for a sum of Rs.21,000/- from the cash box. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 27.10.2020. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to deposit a sum of Rs.15,000/- to the Regional Manager, TASMAL shop, Vandavasi. Therefore, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the stolen amount of Rs.21,000/- out of which Rs.5,000/- was recovered. He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Vandavasi, and on further condition that:

(a) the petitioner shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Regional Manager, TASMACH shop, Vandavasi, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) 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;

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

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

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

(f) 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;



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

WEB COPY

-sd/-
05/08/2021

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
THIRUVANNAMALAI DISTRICT.

6 THE REGIONAL MANAGER,
TASMAC SHOP, VANDAVASI.

+1 CC to M/S. D.DAYALAN Advocate on payment of necessary charges
SR.No.8182

CRL OP.13637/2021

Date :05/08/2021

cs 06/08/2021