



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13789 of 2021

B.Pandiyan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.
Crime No.503 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.503 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A. Saravanan

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

ORDER

The petitioner, who was arrested on 06.07.2021 and remanded to judicial custody for the offence under Section 379 of IPC in Cr.No.503 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused person had committed theft of a two wheeler, owned by the defacto complainant. Based on the complaint lodged by the defacto complainant, the respondent Police registered a case against the petitioner and other accused person.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and based on the confession of the co-accused, the petitioner was arrested and he is confined in prison from 06.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the subject property has been recovered and there is no previous case pending against the petitioner.



5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and the stolen vehicle has been recovered, this Court is inclined to grant bail to the petitioner subject to the following 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, Chengam**, and on further condition that:

(a) 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;

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

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

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

(e) 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;

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

-sd/-
06/08/2021

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,
CHENGAM.

2. THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4. THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5. THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S A.SARAVANAN Advocate on payment of necessary
charges SR.NO.8257

CRL OP.13789/2021

Date :06/08/2021

TA-09/08/2021