



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16774 of 2021

R.Nandhakumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Chennai-600 005.
(Crime No.377 of 2021)

... 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.377 of 2021 on the file of the respondent.

For Petitioner : Mr.D.Umashankar

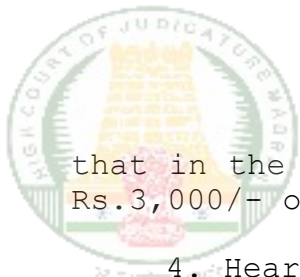
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 19.08.2021 and remanded to judicial custody for the offences under Sections 341, 294(b), 336, 427, 392 and 506(ii) of IPC in Crime No.377 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was running a Idly Shop and on 18.08.2021 at about 18.00 hours, the petitioner along with another person threatened the defacto complainant under knife point and snatched a sum of Rs.2,500/- from him. 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 19.08.2021. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit an amount of Rs.5,000/- to the credit of Cr.No.377 of 2021 and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant an affidavit of undertaking may be obtained from the defacto complainant stating



that in the event of the petitioner succeeding the case, an amount of Rs.3,000/- out of Rs.5,000/- shall be returned to him.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Considering the fact that the petitioner, on his own volition, is ready to deposit an amount of Rs.5,000/- to the credit of the crime number and out of which Rs.3,000/- shall be disbursed in case of the petitioner succeeding the case and also considering the period of incarceration suffered by 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 XIII Metropolitan Magistrate, Egmore, Chennai and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Cr.No.377 of 2021 before the learned XIII Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On such deposit being made, the learned XIII Metropolitan Magistrate, Egmore, Chennai, 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.3,000/- out of Rs.5,000/- deposited by the petitioner to the credit of Cr.No.377 of 2021 shall be disbursed to the petitioner within a period of two weeks thereafter;

(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.

-sd/-

13/09/2021

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 XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D-4, ZAM BAZAAR POLICE STATION,
CHENNAI-600 005.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.UMASHANKAR Advocate on payment of necessary
charges SR.NO.9891

CRL OP.16774/2021

Date :13/09/2021

CSK 14/09/2021