



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.18219 of 2021

M.Malikbasha

... Petitioner

Vs.

The State Represent by
The Inspector of Police, CCB-I,
Thiyagadurgam Police Station,
Kallakurichi District.
(Crime No.1664 of 2020)

... 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.1664 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Balachandran

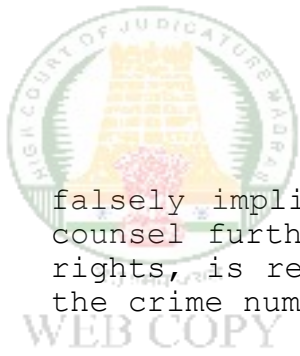
For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.08.2021, by the respondent police for the offences under Section 379 IPC, seeks bail.

2. The case of the prosecution is that the defacto complainant has lodged a complaint by stating that on 19.12.2020, some unknown persons broken the hundial of the Temple and robbed a sum of Rs.2,041/-. Due to which, the law enforcing agency has registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner never committed any offence as alleged by the prosecution and he is innocent of the said commission of offence and he has been



falsely implicated in this case. However, on instructions, learned counsel further submits that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.5,000/- to the credit of the crime number.

4.The learned Government Advocate (Crl.Side) submits that the investigation is pending in this case.

5. Considering the submission made by the learned counsel for the petitioner and further the fact that the petitioner, on his own volition, is ready and willing to deposit Rs.5,000/- to the credit of the above Crime Number. this Court is inclined to grant bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kallakurichi, Kallakurichi District 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.1664 of 2020 before the respondent Police within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, the respondent Police, shall utilize the said amount for the purpose of rehabilitation of the Temple, where the theft is alleged to have been committed;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 petitioners 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/-
30/09/2021

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 JUDICIAL MAGISTRATE,
NO.II, KALLAKURICHI, KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIYAGADURGAM POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. T.BALACHANDRAN Advocate on payment of necessary charges

CRL OP.18219/2021

Date :30/09/2021

JPA 01/10/2021