



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19809 of 2021

Vivekanandha @ Chandu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
(Crime No.403 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 Crime No.403 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

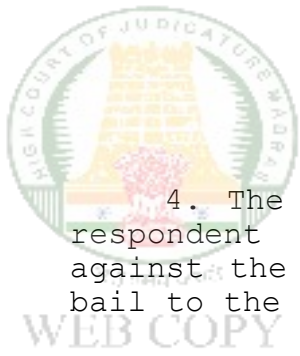
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 03.09.2021 and remanded to judicial custody for the offences under Section 394 of IPC, in Crime No.403 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 persons appeared to have threatened the defacto complainant and his friends, and robbed 3 Mobile phones and one wrist watch value about Rs.70,000/- from them and inflicted grievous injury to them by using stone, and ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 03.09.2021. The learned counsel, on instructions, would further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.15,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted 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 and further the petitioner on his own volition and ready to deposit a sum of Rs.15,000/- to the crime number, 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 No.II, Hosur, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Cr.No.403 of 2021 before the learned Judicial Magistrate, No.II, Hosur, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the defacto complainant 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.

WEB COPY

-sd/-
27/10/2021

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-II,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.19809/2021

Date :27/10/2021

CSK 28/10/2021