



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21935 of 2021

R.Premkumar

... Petitioner

Vs.

The State
Rep. by the Inspector of Police
Mangalam Police Station
Thiruvannamalai District
(Crime No.2451 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in respect of Crime No.2451 of 2020 on the file of the Mangalam Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.10.2020 for the offences under Sections 392 and 397 IPC in Crime No.2451 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.10.2020 at about 9.15 a.m. when the defacto complainant along with her two children were going to their farm land, an unknown person intercepted them and robbed her gold chain weighing 5 sovereigns. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that this is the 3rd application for bail and the earlier applications were dismissed as withdrawn and that the petitioner has been suffering incarceration for more than 13 months from 12.10.2020. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner has got two previous cases but, admits that the investigation has been completed and the charge sheet has been filed and the same has been taken on file.

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5. Considering the fact that the investigation has been completed and the charge sheet has been filed and that the same has been taken on file and also considering the period of incarceration undergone 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 Judicial Magistrate-II, Thiruvannamalai, and on further conditions 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, every Sunday 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/-

22/11/2021

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, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary
charges Sr.13144

CRL OP.21935/2021

Date :22/11/2021

RVR 22/11/2021