



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.NO.24368 of 2021

Prakash

.....Petitioner/Accused-

Vs

State Rep by
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

....Respondent

PRAYER: Petition filed under Section 439 of Cr.P.C to enlarge on bail in Crime No.701 of 2021 on the file of the Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai District.

For petitioner : Mr. A. Sathishkumar

For Respondent : Mr. A. Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded by the respondent police for the alleged offence under Sections 399 of I.P.C in Cr.No.701 of 2021, seeks bail and this is the third bail application filed by the petitioner.

2.The case of the prosecution is that the petitioner along with other accused alleged to have been preparing to commit dacoity.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further on earlier occasions, the petitioner moved two bail applications before this Court and both were dismissed by this Court in CrI.O.P.Nos.18777 & 20616 of 2021 on the ground that there are four previous cases against the petitioner. However, the learned counsel submits that, the previous cases are of the year 2013 and further the petitioner had not committed any offence similar in nature as alleged by the prosecution. Hence he prays for grant of bail.

4.The learned Government Advocate fairly conceded that the previous case pending against the petitioner is not for a similar offence.



5. Considering the facts and circumstances of the case and also the fact that the previous cases pending against the petitioner are not for a similar offence, this Court is inclined to grant bail to the petitioner.

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6. Accordingly, the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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 District Munsif cum Judicial Magistrate, Kalasapakkam and on further condition that:

(a) 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;

(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/-

20/12/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KALASAPAKKAM, TIRUVANNAMALAI DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, POLUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.SATHISHKUMAR Advocate on payment of necessary
charges SR.NO.15151

CRL OP.24368/2021

Date :20/12/2021

CSK 21/12/2021