



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.NO.21546 of 2021

Rizwan Mohamed

.....Petitioner/Accused-2

Vs

The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.

....Respondent/Complainant

PRAYER: Petition filed under Section 439 of Cr.P.C to enlarge on bail in Crime No.875 of 2021 on the file of the Inspector of Police, Muthupettai Police Station, Tiruvarur District.

For petitioner : Mr. N. Palanivel

For Respondent : Mr. Sugendran,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded by the respondent police for the alleged offence under Sections 294(b), 341, 352, 397 and 392 of I.P.C in Cr.No.875 of 2021, seeks bail and this is the second bail application filed by the petitioner.

2.The case of the prosecution is that the petitioner along with other accused persons had abused the De-facto Complainant and robbed a gold chain from the De-facto Complainant. Hence the complaint.

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 occasion, the petitioner's bail application was dismissed by this Court in Crl.O.P.No.18979 of 2021 on the ground that there was one previous case of similar nature pending against the petitioner, however, it was wrongly stated that there was a previous case of similar nature which prompted the Court to dismiss the earlier petition. 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.

WEB COPY

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

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 Judicial Magistrate, Tiruthuraipoondi 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/-

18/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPPALLI.

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary
charges SR.NO.13040

CRL OP.21546/2021

Date :18/11/2021

RW 19/11/2021