



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

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

Cr1.O.P.No.22926 of 2021

Saravanan

...Petitioner

Vs.

STATE BY

Inspector of Police
Peranamallur Police Station
Tiruvannamalai District
Crime No.120 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.120 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.S.Ramesh

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 27.08.2021 for the offences under Sections 435 and 436 of IPC, in Crime No.120 of 2021, seeks bail.

2.The case of the prosecution is that on 03.05.2021, the articles in the house of the defacto complainant and his Royal Enfield Bullet were found charred and their value is about 2,50,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence and his name is also not found in the FIR and that for statistical purpose, he has been falsely implicated in this case. He would submit that this is the 2nd application for bail and the earlier application was dismissed by this Court in Cr1.O.P.No.21022 of 2021 dated 09.11.2021 and the petitioner has been suffering incarceration for more than 95 days from 27.08.2021. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner has got three previous cases of same nature.

5. At this juncture, the learned Counsel for the petitioner pointed out that even in the previous cases, the petitioner's name is not found in the FIR and that the petitioner has been granted bail in all those cases.

6. Considering the fact that the petitioner is the sole accused in this case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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, Cheyyar, 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 on every Tuesday and 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/-

01/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

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2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.S.RAMESH Advocate on payment of necessary charges
SR.NO.13779

CRL OP.22926/2021

Date :01/12/2021

CSK 01/12/2021