



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

CrI.O.P.No.23100 of 2021

SyathNabi @ Nabi

...Petitioner

Vs.

State rep. By
Inspector of Police
Arni Town Police Station
Tiruvannamalai
Crime No.1013 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.1013 of 2021 on the file of the Inspector of Police, Arni Town Police Station, Tiruvannamalai District.

For Petitioner : Mr.R.Ranjith Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.09.2021 for the offence under Section 399 IPC in Crime No.1013 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 24.09.2021 at about 9 a.m., the petitioner along with other accused was planning to commit dacoity and they were found in possession of knife and iron rods. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 65 days from 24.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is arrayed as A1 and he has got three previous cases against him but admits that the investigation is almost completed.

5. Considering the fact 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.

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, Arni, Tiruvannamalai District, 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 daily at 10.30 a.m. until further orders.

(c) After commencement of trial, the petitioner shall appear before the Court on all hearings without fail and co-operate for the trial.

(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.

-sd/-

02/12/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
ARNI, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.23100/2021

Date :02/12/2021

CSK 03/12/2021