



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

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

Crl.O.P.No.23535 of 2021

D.Kutty @ Arivazhagan

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
Crime No.826 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.826 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Subramanian

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 20.11.2021 for the offences under Sections 341, 336, 392, 397 and 506(ii) of IPC, in Crime No.826 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant is running a Mess and on 20.11.2021, when the de facto complainant went on to purchase the materials for cooking, the petitioner waylaid the de facto complainant with a knife point and has robbed a sum of Rs.1000/- from the de facto complainant. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 15 days from 20.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is a habitual offender and he has got 10 previous cases.

5. At this juncture, the learned Counsel for the petitioner would submit that, though the petitioner has got 10 previous cases, out of them 3 cases ended in acquittal and in 4 cases, further action has been dropped.

6. On seeing the facts and circumstances of the case and the fact that some of the cases against the petitioner were ended in acquittal and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with 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 learned Judicial Magistrate, Uthiramerur, 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 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) the petitioner shall not have any communication with defacto complainant and victim girl.

(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.

WEB COPY

-sd/-
07/12/2021

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 JUDICIAL MAGISTRATE,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, KANCHEEPURAM.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.14154

CRL OP.23535/2021

Date :07/12/2021

MK:07/12/2021