



CRL.O.P.No.24952 of 2021

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M.DHANDAPANI, J.

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The present petition has been listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submits that in Clause 'b' of para 6 of the order dated 22.12.2021 passed by this Court, the petitioner was directed to deposit a sum of Rs.30,000/- to the credit of Cr.No.328/2021 on the file of Judicial Magistrate-II, Tindivanam, but it has been inadvertently mentioned as Respondent. Hence, he seeks necessary corrections in the said order.

3. In view of the above submission, the clause 'b' of para 6 of the order dated 22.12.2021 shall stand replaced as under:

“the petitioner shall make deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.328/2021 on the file of the Judicial Magistrate-II, Tindivanam without prejudice to his defence before the trial Court and on such deposit being made and proof filed by the petitioner, the concerned Magistrate, shall accept the sureties furnished by the petitioner”

4. Registry is directed to make necessary corrections and issue a fresh order copy to the parties.

05.01.2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.24952 of 2021

Ajil Kumar

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
Cr.No.328 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.328 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Arul
For Respondent : Mr.S.Balaji
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 26.09.2021 and remanded to judicial custody for the offence under Sections 395 and 397 IPC in Cr.No.328 of 2021, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused persons robbed a sum of Rs.30,00,000/- from the defacto complainant. Hence this complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 26.09.2021. He further submitted that based on the co-accused confession, from the total robbed amount, the petitioner's share is only Rs.1,00,000/-. Already an amount of Rs.70,000/- was recovered from the petitioner and balance sum of Rs.30,000/- alone is yet to be recovered from the petitioner. However, the learned counsel on instructions, submitted that the petitioner is ready to deposit a sum of Rs.30,000/- in the Crime Number and prays for bail.

4. The learned Government Advocate (Crl.Side) also conceded the submission made by the learned counsel for the petitioner and he further states that there is no previous case pending against the petitioner and the investigation is almost completed.



5. Considering the period of incarceration suffered by the petitioner and further considering the recovery of amount from the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court II, Tindivanam, and on further condition 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 make deposit of **Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.328/2021 on the file of the respondent** without prejudice to his defence before the trial Court and on such deposit being made and proof filed by the petitioner, the concerned Magistrate, shall accept the sureties furnished by the petitioner.

(c) the petitioner is directed to appear before the respondent



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police as and when required;

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(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

22.12.2021

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To

1. The Judicial Magistrate Court II,
Tindivanam.
2. The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
3. The Jailer,
District Jail, Villupuram.
4. The Public Prosecutor,
High Court, Madras



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22.12.2021