



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No.24912 of 2021

Parthiban

.. Petitioner

Vs.

State rep by its:-,
Inspector of Police
Ambattur Estate Police Station,
Chennai.
(Crime No.1005 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.1005 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Elumalai

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

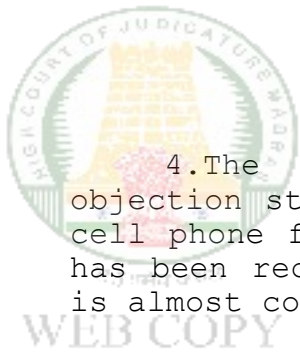
Crl.O.P.No.24912 of 2021

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.10.2021 for the offences under Sections 341, 294(b), 336, 324, 427, 392, 397 and 506(ii) of IPC, in Crime No.1005 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.10.2021, when the de facto complainant was on his way to home from work, the petitioner along with other accused waylaid him, abused him with filthy language and robbed Rs.500/- at knife point. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that he has been suffering incarceration for about 60 days from 17.10.2021. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, on his own volition, is ready to pay a sum of Rs.5,000/- to any Charitable institution as may be directed by this Court. He would pray for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner robbed a sum of Rs.500/- and a cell phone from the defacto complainant but admits that the property has been recovered by the respondent police and the investigation is almost completed.

5. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only) to the credit of the Tamil Nadu Legal Services Authority, Chennai, without prejudice to his rights and contentions.

6.It is made clear that the deposit of the amount by the petitioner to the said Authority would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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, for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Tamil Nadu Legal Services Authority, Chennai, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b)the petitioner and 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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/-

20/12/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AMBATTUR ESTATE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

6 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S.K.ELUMALAI Advocate on payment of necessary charges

CRL OP.24912/2021

Date : 20/12/2021

RVR 21/12/2021