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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Cr1.O.P.No.1111 of 2022

Sundhar Raj @ Vellakili

... Petitioner

Vs.

The State represented by
The Inspector of Police
Vadalure Police Station
Cuddalore District.
(Crime No.797 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.797 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.K.Kannan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

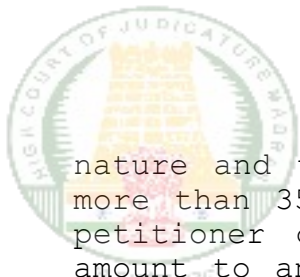
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offence **under Section 399 IPC** in **Crime No.797 of 2021**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.12.2021, the petitioner along with other accused was planning to commit robbery. Hence, the 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. He would further submit that the petitioner along with other accused had filed a petition for bail in Cr1.O.P.No.25250 of 2021 and this Court by order dated 22.12.2021 had granted bail to the other accused and dismissed the petition as against the petitioner since, he has got one previous case of same



nature and that the petitioner has been suffering incarceration for more than 35 days from 13.12.2021. He would further submit that the petitioner on his own volition is ready to deposit a substantial amount to any charitable institute as may be directed by this Court without prejudice to his rights and contentions before the trial Court and would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused was planning to commit robbery and that he has got two previous case of same nature but admits that the investigation is almost completed and the co-accused have been granted bail by this Court.

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.10,000/- (Rupees Ten Thousand Only)**, to the credit of **Dharma Salai, Vallalar Sathiyagnana Sabai, Vadalur, Cuddalore District** without prejudice to his rights and contentions.

6. It is made clear that the deposit of the amount by the petitioner to the said Charitable Institute 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 fact that the investigation is almost completed and the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his **own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison**, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall make non-refundable deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, through demand draft to the **Dharma Salai, Vallalar Sathiyagnana Sabai, Vadalur, Cuddalore District**, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Kurinjipadi, within 15 days from the**



date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

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(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/01/2022

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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
KURINJIPADI,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADALUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

6 THE OFFICER INCHARGE,
DISTRICT PRISON AT VILLUPURAM.

7 THE DHARMA SALAI,
VALLALAR SATHIYAGNANA SABAI,
VADALUR, CUDDALORE DISTRICT.

+1 CC to M/S. K.KANNAN Advocate on payment of necessary charges
SR.NO.882

CRL OP.1111/2022

Date :20/01/2022

TA-21/01/2022