



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

Crl.O.P.No.378 of 2022

Anil Kumar

... Petitioner

Vs.

State Rep. by
Inspector of Police,
K-1, Sembium Police Station,
Chennai
(Crime No.1295 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, concerned in Crime No.1295 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Palanivel

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 for the offences under Sections 457, 511 of IPC in Crime No.1295 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner entered into the Canara Bank ATM and tried to commit robbery by break open the cash deposit as well as withdrawal machines. Hence, the complaint.

3. The learned Counsel for the petitioner submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 73 days from 30.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner entered into the Canara Bank ATM and tried to commit robbery by break open the cash deposit as well as withdrawal machines. On instructions, the learned Government Advocate submits that the investigation was almost completed and there is no previous case as against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that investigation was almost completed and there is no previous case as against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions;

(a) 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 execute two sureties, out of which, one surety must be a blood surety and another be a local surety for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the V Metropolitan Magistrate, Chennai-8 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;

(c) 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;

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

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

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

(g) 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;



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

-sd/-

10/01/2022

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI - 8.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
K1, SEMBIUM POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

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

CRL OP.378/2022

Date :10/01/2022

RVR 10/01/2022