



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1754 of 2022

S.Nagappan

... Petitioner

Vs.

State, Rep. by
The Inspector of Police,
T-13, Kundrathur Police Station,
Kancheepuram District.
[Crime No.940/2021]

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.940 of 2021 on the file of T-13, Kundrathur Police Station, Kancheepuram District.

For Petitioner : Mr.A.Murali
for M.Prabhakar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 16.12.2021 for the offences under Sections 341, 294(b), 336, 427, 397, 506(ii) of IPC in Crime No.940 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner along with other accused demanded money from the defacto complainant at knife point and the petitioner herein caught hold of him and other accused had robbed a sum of Rs.1,700/- and a wrist watch at knife point from him and also they had caused disturbance to the public. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 40 days from 16.12.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.5,000/- to the credit of Crime No.940 of 2021.

4.The learned Additional Public Prosecutor raised objection stating that the petitioner along with other accused demanded money from the defacto complainant at knife point and the petitioner herein caught hold of him and other accused had robbed a sum of Rs.1,700/- and a wrist watch at knife point from him and also they had caused disturbance to the public . He further submits that there is no previous case as against the petitioner and Rs.700/- alone recovered and the remaining amount not yet recovered and the investigation was almost completed .

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.5,000/- to the credit of Crime No.940 of 2021 , this Court is inclined to grant bail to the petitioner with certain 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.940 of 2021 before the learned Judicial Magistrate, Sriperumpudur and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.5,000/- on proper identification and acknowledgment;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Sriperumpudur 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;

(d)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;



(e) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders;

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

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

(h) 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;

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

-sd/-
27/01/2022

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 THE JUDICIAL MAGISTRATE,
SRIPERUMPUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T-13, KUNDRATHUR POLICE,
KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISION, CHENGALPET.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.PRABHAKAR Advocate on payment of necessary charges
SR.NO.1249

CRL OP.1754/2022

Date :27/01/2022

JPA 28/01/2022