

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

CrI.O.P.No.2184 of 2022

Naveen @ Guru Bai @ Mohamed Ashraf

... Petitioner

Vs.

The State rep by
The Inspector of Police,
B4, Baluchettychatram Police Station
Kancheepuram District
(Crime No.1055 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner, in Crime No.1055 of 2021 on the file of the Respondent police.

For Petitioner : Mr.M.Vinoth

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 394 & 397 of IPC , in Crime No.1055 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 who came in a bike attempted to snatch the gold chain of the defacto complainant and when she tried to resist them, she fell down from her bike and got injured. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this the the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.205 of 2022 by order dated 06.01.2022 and the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against him. He would further submit that the petitioner has been suffering incarceration for 60 days from 05.12.2021 and he is ready to abide by any stringent conditions and would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally two accused in this case and the petitioner is arrayed as A1 and he has got 7 previous cases but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed 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 execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-I, Kancheepuram, 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 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 daily at 10.30 a.m. and 5 p.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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/02/2022

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 NO.I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
B4, BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.VINOTH Advocate on payment of necessary charges
SR.NO.1649

CRL OP.2184/2022

Date :02/02/2022

MK:03/02/2022