



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3232 of 2022

Parthiban

..Petitioner

Vs.

State Rep by
The Inspector of Police
Somangalam Police Station,
Kancheepuram District.
(Crime No.10 of 2022)

...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.10 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.01.2022 for the offences under Sections 341, 392, 397 & 506(ii) of IPC in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner joined with other accused waylaid the defacto complainant and robbed a sum of Rs.30,000/- at knife point. Further, the petitioner threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would 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 would further submit that the petitioner is in the judicial custody from 25.01.2022 and as of now all the accused are all arrested and remanded to judicial custody. According to him, investigation has been completed and however, on instructions, he furthermore submits that without prejudice to his rights, on his own volition is ready to



deposit an amount of Rs.30,000/- to the credit of Crime Number 10 of 2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objections stating that investigation is still pending. However, she admits that the petitioner is first offender. Further without any recovery from the petitioner, he was remanded to judicial custody.

5. Submissions made by the learned Counsels on either sides are considered. As of now, all the accused are arrested and remanded to judicial custody. Further without any recovery from the petitioner, he was remanded to judicial custody. Obviously, the confession statement given by the accused before the police officers without any recovery, normally cannot be used as a evidence. Here it is a case, without made any recovery all the accused are arrested and remanded to judicial custody. In the said circumstances, the petitioner is incarceration from 25.01.2022. Hence, taking into consideration of the above said aspects and the nature of offence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbudhur.

(ii) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.10 of 2022 before the learned Judicial Magistrate, Sriperumbudhur.

(iii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

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



(vi) 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].

-sd/-

11/02/2022

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,
SRIPERUMBUDHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3232/2022

Date :11/02/2022

CSK 15/02/2022