



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.3290 of 2022

Chinnarasu

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Arakkonam Town Police Station,
Vellore District.
(Crime No.464 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.464 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.D.Thirumoorthy

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

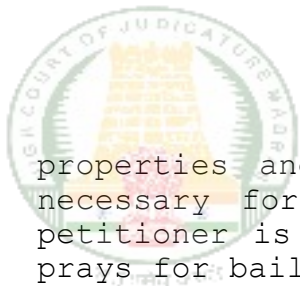
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.12.2021 for the offences under Sections 457, 380 and 324 of IPC in Crime No.464 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.12.2021, the petitioner broke open the door and stole laptop, cameras, TV, etc. and also attacked the victims with deadly weapons, as a result of which the victims sustained injuries and were admitted in the hospital. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in the present case, during the time of investigation, the respondent police recovered the stolen



properties and therefore further custody of the petitioner is not necessary for completing the investigation. According to him, the petitioner is in judicial custody from 28.12.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioner is having two previous cases, wherein also he committed offence of theft. However she admits the stolen property in the alleged occurrence are all recovered.

5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 457, 380 and 324 of IPC. During the relevant point of time, he broke open the door and committed this offence. As of now, the stolen properties are all recovered. Though the petitioner is having two previous cases, as of now he is in incarceration from 28.12.2021 onwards. Admittedly, he is having permanent residence.

7. Therefore, taking note of all the above said aspects into consideration, particularly on considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail to 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, Arakkonam

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;

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

(e) 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];



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

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

-sd/-

15/02/2022

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.P.ARTHI Advocate on payment of necessary charges
SR.No.2363

CRL OP.3290/2022

Date :15/02/2022

CSK 16/02/2022