



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3718 of 2022

Vijayakumar @ Sumithra

...Petitioner

Vs.

State rep. By
The Inspector of Police
Flower Bazaar Police Station,
Chennai
(Crime No.6 of 2022)

... 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.6 of 2022 on the file of the respondent police pending investigation.

For Petitioner : Mr.V.Sambamurthy

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 09.01.2022 for the offences under Sections 420 and 379 of IPC in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused took the purse of the defacto complainant and after taking Rs.8,000/- out of Rs.30,000/-, the petitioner placed the purse back in the car of the defacto complainant and left the place by auto. 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 the petitioner is in judicial custody from 09.01.2022 onwards. Hence, he prays for bail.



4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police would submit that during the relevant point of time, the petitioner and another accused picked the purse from the defacto complainant and after taking Rs.8,000/-, they returned the purse to the defacto complainant. According to her, if the petitioner is released on bail, he would try to tamper the witness and hamper the investigation.

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

6. The respondent police registered a case as against the petitioner for the offence punishable under Sections 420 and 379 of IPC. Though the stolen property, for example Rs.8,000/- is not recovered, the learned counsel appearing for the petitioner without prejudice to the right having by the accused, offering to deposit the said amount in the Court. In otherwise, the petitioner is in judicial custody from 09.01.2022 onwards and other accused in this case is already enlarged on bail.

7. Therefore, taking note of all the above said aspects into consideration, this Court is inclined to grant bail to the petitioner subject to the following 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 VIII Metropolitan Magistrate, George Town, Chennai.**

(b) the petitioner is directed to deposit a sum of Rs.8,000/- (Rupees Eight Thousand only) to the credit of Crime No.6 of 2022 (on the file of the respondent Police) before the learned VIII Metropolitan Magistrate, George Town, Chennai, within a period of four weeks from the date of receipt of copy of this order.

(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 daily at 10.00 a.m. for a period of 30 days and therefore, as and when required for investigation;**



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

(f) 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];

(g) 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 METROPOLITAN MAGISTRATE,
NO.VIII, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
FLOWER BAZAAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+2 CC to M/S.V.SAMBAMURTHY Advocate on payment of necessary charges SR.NO.2333

CRL OP.3718/2022

Date :15/02/2022

TA-16/02/2022