

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.15899 of 2022

Liyo Prathiep	..Petitioner / sole accused
	Vs.
State Rep. by	
Inspector of Police,	
K-4, Anna Nagar Police Station,	
Chennai	
crime No.58 of 2022	..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.58 of 2022 on the file of the respondent police.

For Petitioner : Mr.A.T.Anbu Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2022 for the offence punishable under Section 380 of IPC in crime No.58 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant is running a tea and tiffin shop at Anna Nagar, 5th Avenue, Chennai and on 01.02.2022, after business hours, he closed his shop and went to home. On the next day at 3.30 a.m., he found that his shop lock was broken. Hence, the case.

3. The learned counsel appearing 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 respondent police has used the petitioner in the cases where they could not find the real accused. Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the single accused and on the day of occurrence, he broke open the tea shop of the defacto complainant and took away 25 packets of cigarettes worth Rs.1,500/- and Rs.12,000/- cash, out of which only Rs.1,000/- has been recovered. He would further submit that originally the petitioner was arrested on 27.05.2022 in Cr.No.219 of 2022 and on PT warrant, his arrest was shown in the present case. He also submitted that the petitioner has four previous cases similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai and on further conditions that:

[a] 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.

[b] the petitioner shall stay at Pennagaram and report before the Inspector of Police, Pennagaram Police Station, Dharmapuri daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

-sd/-
08/07/2022

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.V, EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL,
CHENNAI.

4 INSPECTOR OF POLICE,
K4, ANNA NAGAR POLICE STATION,
CHENNAI.

5 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.T.ANBU KUMAR Advocate on payment of necessary charges SR.NO. 11019

CRL OP.15899/2022

Date :08/07/2022

RW-08/07/2022