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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

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

Crl.O.P.No.25476 of 2021

G.Karthik

...Petitioner

Vs.

The State rep. by
Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
(Crime No.329 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.329 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.12.2021 for the offences under **Sections 341, 147, 148, 294(b), 392, 397, 506(ii) of IPC**, in Crime No.329 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complaint is an auto driver. On 08.12.2021 at about 04.00 a.m. he was proceeding towards green circle and while nearing GRT Pandiyan Hotel, the petitioners waylaid him and at knife point, robbed a sum of Rs.2,500/- and a MI-cell phone from him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case and He would



further submit that the petitioner has been suffering incarceration for more than 25 days from 08.12.2021 and hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 6 accused in this case out of which, A3 to A6 have been arrested and the petitioner is arrayed as A5 and that the other accused / A1 and A2 are still absconding. He would further submit that the stolen mobile phone has been recovered and out of the robbed amount of Rs.2,500/- a sum of Rs.1,600/- has been recovered but admits that the investigation is almost completed and there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioner and 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 No-IV, Vellore, Vellore District, 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 appear before the respondent police daily at 05.30 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;



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(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.

-sd/-

05/01/2022

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE NORTH CRIME POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.164

CRL OP.25476/2021

Date :05/01/2022

TA-05/01/2022