



Crl.O.P.No.28053 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28053 of 2022

Dheena @ Dinakaran

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram District.

(Crime No.1591 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.1591 of 2021 on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.10.2022, for the offences punishable under Section 399 IPC, in Crime No.1591 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.08.2021, the petitioner along with the other accused were found making preparations for committing robbery and weapons such as knife and wooden logs were recovered from them. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A4 in this case had obtained an anticipatory bail from the learned District and Sessions Court - II, Kanchipuram in Crl.M.P.No.2072 of 2021 dated 06.12.2021 with a condition that "the petitioner shall donate one sitting with writing steel bench not less than the value of Rs.3,500/- (Rupees three thousand five hundred only) to the Head Master, Government Panchayat Union Elementary School, situated at Seeyamangalampettai, Walajabad for the use and benefits of the students



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studying in that school and on production of the proof, the petitioner is ordered to be released on bail on execution of his own bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kanchipuram", and since, the petitioner did not comply the order passed by the learned District and Sessions Court-II, the anticipatory bail cancelled and he was arrested by the respondent. He also submitted that now the petitioner is ready to comply with the above condition and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner is a habitual offender against whom there are 4 previous cases including a case under Section 302 IPC. He further submitted that as far as this case is concerned the petitioner along with the other accused were found making preparations for committing robbery and weapons such as knife and wooden logs were seized by the respondent Police and hence, he opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and on considering the undertaken given by the petitioner that he is ready and willing to comply with the order passed by the learned District and Sessions Court - II, Kanchipuram, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.3,500/- (Rupees Three thousand five hundred only)** by way of **Demand Draft to the Head Master, Government Panchayat Union Elementary School, situated at**



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Seeyamangalampettai, Walajabad, for the use and benefits of the students studying in that school, without prejudice to his rights and contentions, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing 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 No.I, Kanchipuram**, 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 report before the respondent Police, everyday at 5.30 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.11.2022

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To

1. The Judicial Magistrate No.I,
Kanchipuram.
2. The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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