



Crl.O.P.No.19625 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.19625 of 2023

U.Udhaya Sankan @ Nisanth

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Vandavanakkampadi Police Station,
Tiruvannamalai District.
Crime No.166 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.166 of 2022 pending on the file of the respondent police.

For Petitioner : Mr.G.Kartheeban

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2023 for the offence punishable under Sections 457, 380 of IPC in Crime No.166 of 2022 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 457, 380 of IPC in Crime No.166 of 2022. He further submitted that, petitioner was granted anticipatory bail by this Court in Crl.O.P.No.72 of 2023. However he was not able to comply the conditions imposed by this Court, while granting anticipatory bail. Thereafter, he was arrested on 31.07.2023 and remanded to judicial custody. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, the accused in this case have stolen the following liquor bottles (i) MC VSOP Brandy 750 ml 12x720=8640 (ii) Bacardi lemon Rum 180 ml 86x250=21500 (iii) Saint louis Brandy



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180 ml 36x250=9000 (iv) Black peral Bear 650 ml 10x140=1400 from TASMAL shop No.9281, Mazhiyur Vandavasi. The liquor bottles had not been recovered. Thus, he seeks for dismissal of this petition.

4. Considering the nature of the offence stated by the learned counsel for the parties and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their 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 **Judicial Magistrate Court, Vandavasi** 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 without prejudice to his defence shall deposit a sum of Rs.20,000/- to the credit of the Crime No.166 of 2022 before the learned Judicial Magistrate Court, Vandavasi. On such



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deposit, learned Magistrate is directed to use the amount for awarding victim compensation under Section 357 of Cr.P.C; Payment of this amount will not amount to admission of guilt of the petitioner.

[c] the petitioner shall report before the respondent police daily morning at 10.30 a.m., until further orders.

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

[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 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.

30.08.2023

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To

- 1.The Judicial Magistrate Court,
Vandavasi.
- 2.The Inspector of Police,
Vandavanakkampadi Police Station,
Tiruvannamalai District
- 3.The Sub-Jail,
Vandavasi.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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