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Crl.O.P.No.1540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.1540 of 2024

Vivian Arthur S/o. Anthony Dass

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Nallanpillaipetral Police Station,
Villupuram District.

(Crime No.340 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.340 of 2023 on the file of the respondent on such terms and conditions.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in Crime No.340 of 2023, registered by the respondent police for the offence under Section 392 of IPC, seeks bail.

The petitioner had been remanded to judicial custody on 23.10.2023.

2.It is stated that A1 and A2 had intercepted the two-wheeler of the defacto complainant and thrown chilli powder in his face and robbed 20 grams of gold chain and cash of Rs.10,000/-.

3.Taking into consideration the period of incarceration and the fact that there has been recovery of cash and there are no previous cases against the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

4.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 Judicial Magistrate, Gingee, 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



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everyday at 10.30 a.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.

30.01.2023

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C.V.KARTHIKEYAN. J.



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