

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS JUDGE)
RAMANATHAPURAM.

PRESENT: Thiru.R.Shanmugasundaram, B.Com., L.L.B.,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் ஸ்ரீ பிலவ ஆண்டு சித்திரை மாதம் 30-ம் நாள் வியாழக்கிழமை

Thursday, the 13th day of May 2021

Cr.M.P.No. 56 of 2021

Prabhu, aged about 35 years, S/o. Aanaikkal, Kuditheru, South Arankoor, Near Thottiyam, Tiruchi District.

...Petitioner/ Accused

/vs/

State, through the Inspector of Police,
Uchipuli P.S.
in Cr.No. 181/2021

...Respondent/Complainant

For petitioner : Thiru.K. Muthuduraisamy, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

**PETITION FILED ON 11.05.2021 FOR BAIL U/S 439 Cr.P.C.
ORDER**

The bail application is filed by the Petitioner/Accused in Cr.No. 181/2021 on the file of the respondent police. Notice for the said bail application is given to the Learned Public Prosecutor.

The bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Jitsi Meet, sitting in open Court and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner in Crime No. 181/2021 under section 380 of Indian Penal Code.

The prosecution case is that on 16.04.2021, the petitioner stole the gold chain

from the de-facto complainant's child.

The learned counsel for the petitioner would submit that the petitioner has falsely been implicated in this case and the petitioner is an innocent. The petitioner is an Astrologer. At the time of occurrence, a wordy quarrel arose between them and a false case has been foisted against him. He is in no way connected with this case and he has no previous case. Further, he was arrested and remanded on 17.04.2021 and he is in judicial custody for the past 27 days. Further, the petitioner already filed a bail petition before the Magistrate concerned in CrI.M.P.No. 513 of 2021 which was dismissed on 05.05.2021. Further, the property was recovered and most of the investigation is completed and he prays to grant bail to the petitioner.

The learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. The petitioner is an Astrologer. On 16.04.2021, the petitioner went to the de-facto complainant's house for his profession. During the time, the petitioner without knowledge of the de-facto complainant, he has stole the gold chain from the de-facto complainant's child. Therefore, he has lodged a complaint against the petitioner. The petitioner was arrested and the property was recovered and the investigation is under progress and he has no previous case. Hence, he strongly objected to grant bail to the petitioner.

Considering both side submissions, the nature of offence, period of custody, recovery of property and progress of investigation, this Court is not inclined to grant bail to the petitioner with conditions.

Accordingly, the petitioners is hereby granted bail on execution of a bond for Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram, and on further condition that:

- 1) the petitioner shall appear and sign before the respondent police daily at 10.00 a.m. until further orders.
- 2) the petitioner shall not tamper with evidence or witness during the trial.
- 3) the petitioner shall not abscond during the trial.

4) If the petitioner fails to comply the above said conditions, the bail order shall stand cancelled automatically.

5) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court as the case may be, is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions imposed have been violated 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).

Pronounced by me in open Court this the 13th day of May 2021.

Sd/- R. Shanmugasundaram,
Vacation Sessions Judge,
Principal District and Sessions Judge,
Ramanathapuram.

Copy to
The Judicial Magistrate No.II, Ramanathapuram .
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Uchipuli P.S.
The Advocate concerned.

The Superintendent, District Prison, Ramanathapuram.