

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.13916 of 2018

MANIKANDABOOPATHY,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
MADURAVOYL POLICE STATION.
CR.NO.1291 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.SIMON JEYAKUMAR Advocate

For Respondent : MRS. T.P.SAVITHA, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who arrested and remanded to the judicial custody on 26.03.2018 for the offences under Sections 392, 397 r/w 120(b) IPC in Crime No.1291 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the day of occurrence, the petitioner along with other accused, way laid a two wheeler in which the defacto complainant travelled, assaulted and scolded him with filthy language. Further, he grabbed the money by creating a turmoil. Hence, based on the complaint, a case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner made a submission that the petitioner is a college student and he was arrested and remanded to the judicial custody on 26.03.2018. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate appearing for the State submitted that at the time of occurrence, the petitioner along with other accused, with an intention to commit robbery, in a pre-planned manner, attacked the defacto complainant and grabbed money from him. According to him, the investigation is still pending.

5. The submissions made by the counsels appearing on either side are considered. In view of the identity card issued by the PSN

Institute of Technology and Science, it is established that the petitioner is the student of the said college. Now, the petitioner is in the judicial custody from 26.03.2018 to till date, even though some of the accused are not arrested in this case. Considering the period of detention, further custodial interrogation may not be necessary for completing the investigation. Moreover, no previous case is reported against the petitioner. Accordingly, this Court is inclined to grant bail to the petitioner and **ordered to be released on bail** subject to the following conditions:

- (i) the petitioner shall execute 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.2, Poonamallee.
- (ii) the petitioner is directed to appear before the respondent police daily at 06.00p.m. until further orders;
- (iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) On breach of any of the aforesaid conditions, the 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 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]**.
- (vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/06/2018

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.2, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MADURAVOYL POLICE STATION.

+1 CC to M/S.M.SIMON JEYAKUMAR Advocate on payment of necessary
charges-Sr.11043

CRL OP.13916/2018

Date :20/06/2018

ths : 21.06.2018