

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18155 of 2018

VINOTH KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE

[RESPONDENT]

THE INSPECTOR OF POLICE,
H8 THIRUVOTTRIYUR POLICE STATION,
CHENNAI.
CR.NO. 798 OF 2018

For Petitioner : M/S.KINGSLY SOLOMON J Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No.798 of 2018 registered by the respondent police for the alleged offences punishable under Sections 341, 336, 294(b), 427, 392, 397 and 506(ii) of IPC.

2. The case of the prosecution as per the defacto complainant one Mohan is that on 01.07.2018 at 9.00 a.m., while he was proceeding in respect of his personal work near M.G.R.Salai junction, the petitioner along with two other persons waylaid him and robbed Rs.1,000/- and his cell phone at knife point and thereafter, they created ruckus in the area by threatening the public.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the reading of the FIR would categorically show that it is a case foisted for the purpose of invoking Act 14 against the petitioner and other persons. He would submit that there is no previous case against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused waylaid the defacto complainant and threatened him under knife point and taken away an amount of Rs.1000/- and a mobile phone.

5. I have gone through the FIR. Taking into consideration the facts of the case and that there is no previous case against the

petitioner and that the petitioner has been in custody from 01.07.2018, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Thiruvottriyur, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30.a.m., and 5.30.p.m., until further orders.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/07/2018

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

5 THE INSPECTOR OF POLICE,
H8 THIRUVOTTRIYUR POLICE STATION,
CHENNAI.

+1 CC to M/S.KINGSLY SOLOMON J Advocate on payment of necessary
charges SR.NO. 13523

CRL OP.18155/2018

Date :20/07/2018

RD 20/07/2018