

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7145 of 2020

Ramesh

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Tiruvanamalai East Police Station,
Tiruvanamalai.
Cr. No.1067 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1067 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.Narayanan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 05.03.2020 for the offence punishable under Section 399 of IPC in Crime No.1067 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.10.2019, the petitioner and others were found standing near Angalaparameswari Temple in suspicious manner with knife and preparing to commit robbery from the public for the purpose of buying cigarettes, liquor and movie tickets. Hence, this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further he submits that even according to the case of the prosecution, the petitioner and others had prepared to commit robbery. The petitioner had no previous case and bad antecedents. However, he was arrested and remanded to judicial custody on 05.03.2020. Hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner has no previous case and the petitioner along with other accused persons had prepared to commit the offence of robbery. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 05.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each, before the concerned jurisdictional Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., from 01.06.2020 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

11/05/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUVANNAMALAI

2 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.K.NARAYANAN Advocate on payment of necessary charges

CRL OP.7145/2020

Date :11/05/2020

RVR 07/07/2020