

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7230 of 2020

and

Crl.M.P.No.3924 of 2020

K.Ashok

.. Petitioner/accused

/Vs/

State Rep.by
The Inspector of Police,
M-3, Puzhal Police Station, (Crime),
Chennai. (CR.No.90/2020)

.. Respondent/complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C to enlarge the petitioner on bail in Cr.No.90 of 2020 pending on the file of respondent police.

For Petitioner : Mr.TVG.Kartheeban

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 07.03.2020 for the offence punishable under Sections 341,294(b), 336,427,392,397,506(ii)of IPC in Crime No.90 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused is trying to commit robbery. 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 would submit that the petitioner had one previous case and as such the present case has been foisted as against the petitioner only to detain the petitioner under Act 14. Even according to the case of the prosecution, the petitioner along with other accused persons had prepared to commit the offence and he was arrested and remanded to judicial custody on 07.03.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (CrI. Side) would submit that the petitioner had one previous case and prepared to commit robbery in the present case and that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances and considering the period of incarceration by the petitioner, 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)thereafter, petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(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.

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 until further orders.

(e)the petitioner shall not abscond either during investigation or trial.

(f)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g)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]**.

(h) 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. Consequently, connected miscellaneous petition is closed.

-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 SESSIONS JUDGE,
TIRUVALLORE.

2 THE JUDICIAL MAGISTRATE,
MADHAVARAM.

3 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
M-3, PUZHAI POLICE STATION[CRIME],
CHENNAI.

CC to G.KARTHEEBAN Advocate on payment of necessary charges

CRL.OP.7230/2020
& CRL.MP.3924/2020

Date :11/05/2020

MK:19/08/2020