

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7441 of 2020

1.Vinuchakravarthi @ Sakkarai

... Petitioners

2.N.Gunasekaran

Vs.

State Rep. By

... Respondent

The Inspector of Police,
Perundurai Police Station.

Cr.No.150 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.150 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.03.2020 for the offence punishable under Sections 393 and 506 (ii) IPC in Crime No.150 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are alleged to have attempted to snatch the gold chain from the defacto complainant, when she was in her shop and at that time, they were caught hold red handed by the neighbouring shop owners. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not involved in the above alleged offence and they are no way connected with the offence as alleged by the prosecution and they did not commit any offence. Even according to the prosecution, the petitioners were attempted to commit the offence and as such they are not committed any crime. Further, they

are incarcerating from 19.03.2020 and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioners are arrayed as A1 and A2 in Crime No.150 of 2020. As far as the first petitioner is concerned, he is having bad antecedents and having seven previous cases and all the cases are similar in nature. Insofar as the second petitioner is concerned, he is having one previous case.

5. It is seen that the petitioners are arrayed as A1 and A2. Regarding the 1st petitioner, there is no change of circumstance and hence this Court is not inclined to grant bail to him. Accordingly, this petition is dismissed in so far as the first petitioner is concerned.

6. So far as the second petitioner is concerned, considering the nature of allegations and the period of incarceration undergone by the second petitioner, this Court is inclined to grant bail to him, subject to the following conditions:

[a] the second petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the Chief Minister Public Relief Fund, Tamil Nadu, and on such deposit the second petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison;

[b] the second petitioner shall report before the respondent police from 01.06.2020, daily at 10.30 am, until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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].

[f] 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 insofar as the second petitioner is concerned.

-sd/-
08/05/2020

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 CHIEF MINISTER PUBLIC RELIEF FUND,
TAMIL NADU.

2 THE PRINCIPAL SESSIONS JUDGE
ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to MR.C.S.SARAVANAN, Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7441/2020

Date :08/05/2020

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TA-11/06/2020