

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl. O.P. No. 7629 of 2020

Deepan

... Petitioner

-Vs-

State rep. by,  
The Inspector of Police,  
H-8, Thiruvottiyur Police Station (Crime),  
Chennai.  
(Crime No.159 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.159 of 2020 pending investigation on the file of the respondent police.

For Petitioner : M/s.M.Kaveri Selvam

For Respondent : Mr. Karthikeyan Swaminathan,  
Additional Public Prosecutor

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O R D E R

The Petitioner, who is A3 in Crime No. 159 of 2019 for the alleged offence under Section 394 of I.P.C., was voluntarily surrendered before the learned Judicial Magistrate, Thiruvottiyur on 16.03.2020.

2. The case of the prosecution is that the de facto complainant, after finishing his work on 01.03.2020 at 11.30.p.m, was returning home, at that time four unknown persons came in two bikes, intercepted him and snatched his mobile phone from him. Thereafter, the de facto complainant lodged the complaint on 02.03.2020. There are totally four accused in this case and the petitioner was arrayed as A3.

3. The learned counsel for the Petitioner submits that the petitioner's name does not find place in the FIR and he is no way involved in this case. The Petitioner has been arrayed as accused based on the confession of co-accused/A1. Property has been recovered. The petitioner has voluntarily surrendered before the learned Judicial Magistrate, Thiruvottiyur. A1 in this case was arrested and released on bail and hence, he seeks bail.

4. The learned Additional Public Prosecutor submitted that the main accused/A1 in this case was arrested and released on bail. Property has been recovered. Based on the confession of A1, this petitioner arrayed as an accused. There is no previous case against the petitioner. However, he objected for the grant of bail to the petitioner.

5. Taking into consideration the facts that the Petitioner is in judicial custody from 16.03.2020 and that property has been recovered and there is no previous case against 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) each before the Superintendent of the concerned prison in which the Petitioner has been confined on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate on or before 01.07.2020, 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 not commit any offences of similar nature;

(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) the petitioner shall report before the respondent police as and when required for interrogation.

(h) 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];

(i) if the accused thereafter absconds, a fresh F.I.R. can be registered under Section 229A I.P.C.

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

-sd/-  
20/05/2020

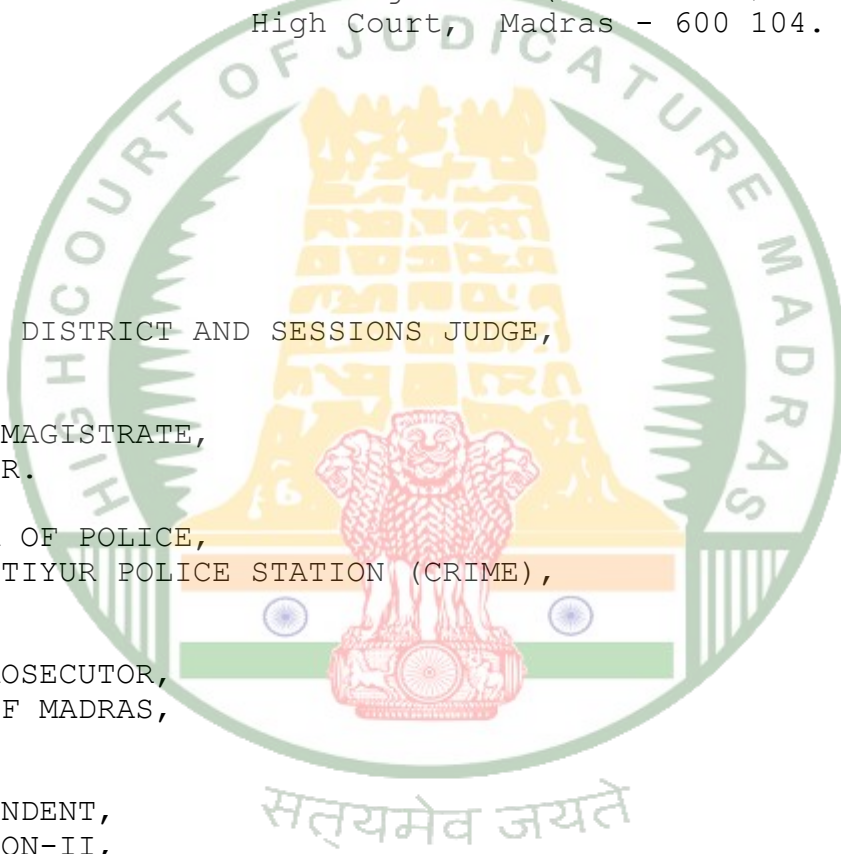
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUVALLUR.
2. THE JUDICIAL MAGISTRATE,  
TIRUVOTTIYUR.
3. THE INSPECTOR OF POLICE,  
H-8 THIRUVOTTIYUR POLICE STATION (CRIME),  
CHENNAI.
4. THE PUBLIC PROSECUTOR,  
HIGH COURT OF MADRAS,  
CHENNAI-104.
5. THE SUPERINTENDENT,  
CENTRAL PRISON-II,  
PUZHAL, CHENNAI.



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

WEB COPY

CRL OP.7629/2020

Date :20/05/2020

RD 04/08/2020