

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7887 of 2020

in

Crime No.417 of 2020

Logesh

S/o. Sekar

No.4/214, Perumal Koil Street,

Kuthambakkam,

Thenpaguthy,

Thiruvallur Taluk & District.

... Petitioner

Vs.

State represented by

The Inspector of Police,

Sriperumbudur Police Station,

Kancheepuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail in Crime No.417 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent: Mr.S.Karthikeyan,

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.04.2020 for the offences punishable under Sections 341, 294(b), 324, 394, 307 & 506(ii) of IPC in

Crime No.417 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with three other accused had committed robbery and assaulted Niran Munru and Kannai Munru, due to which, they sustained injuries, admitted in Savitha Hospital and thereafter discharged. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a North Indian and he has not committed any such offence and the co-accused have been released on bail by this Court and the lower Court. He would further submit that the petitioner is in judicial custody from 21.04.2020 and therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that this is the case of mobile phone snatching. He would further submit that the petitioner along with three other accused persons have snatched the mobile phone of the de-facto complainant and also attacked him, Three previous cases have been registered against them and moreso, the petitioner has bad antecedents. Further, the de-facto complainant sustained injuries and

admitted in the hospital. 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 21.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, the 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, 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 within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, 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 as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during

investigation or trial;

(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 FIR can be registered under Section 229A IPC.

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

10.06.2020

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To:

1. The District and Sessions Judge No.II,
Kancheepuram.

2. The Judicial Magistrate,
Sriperumbudur.

3. The Superintendent of Prison,
Central Prison, Chennai.

4. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

5. The Public Prosecutor,
High Court, Madras – 104.

M.NIRMAL KUMAR, J.

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