

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7902 of 2020

Vicky @ Ranjith
S/o. Baskaran,
No.11, Palaru Street,
Sudesi Nagar,
Thiruninravur,
Tiruvallur District.

... Petitioner /
Accused No.2

State Represented by
The Inspector of Police,
Thiruninravur Police Station,
Chennai.
Crime No.384 of 2020

Vs.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.384 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent: Mr.S.Karthikeyan,

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.05.2020 for the offences punishable under Sections 397 and 506 (ii) of IPC on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is running a business in the name and style of M/s.Dolphin Technologies at Ambattur. On 08.05.2020, due to Corona Lockdown, the defacto complainant and his wife were staying in their house. On that date, at about 11.00 p.m., the petitioner (A2) and the other accused Devkumar (A1) came and knocked the door of the defacto complaint's house. Further, they assaulted the defacto complainant at knife point took the mobile phone and the Two Wheeler bearing Registration No.TN 12 S 6203 pertaining to him. The defacto complainant gave a complaint on 09.05.2020 at 12.00 noon.

3. The learned counsel for the petitioner submits that one Devkumar(A1) is friend of the petitioner. A1 has lent a sum of Rs.2,00,000/- to the defacto complainant. When A1 demanded the defacto complainant to return the said amount, he refused to pay the loan amount. It is the motive of the defacto complainant to avoid repayment of the loan amount.

Hence, a false complaint has been lodged by the defacto complainant against the petitioner and the other accused after 13 hours of the occurrence. Further, he submitted the mobile phone and the two wheeler were shown recovered from A1.

4. The learned Additional Public Prosecutor would submit that A1 is the main accused and the the petitioner (A2) has no previous case.

5. Taking into consideration the facts of the case, submission made by the learned counsels on either side and also the petitioner has no bad antecedents and the period of incarceration of the petitioner, 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.

12.06.2020

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Index: Yes/No

Internet: Yes/No

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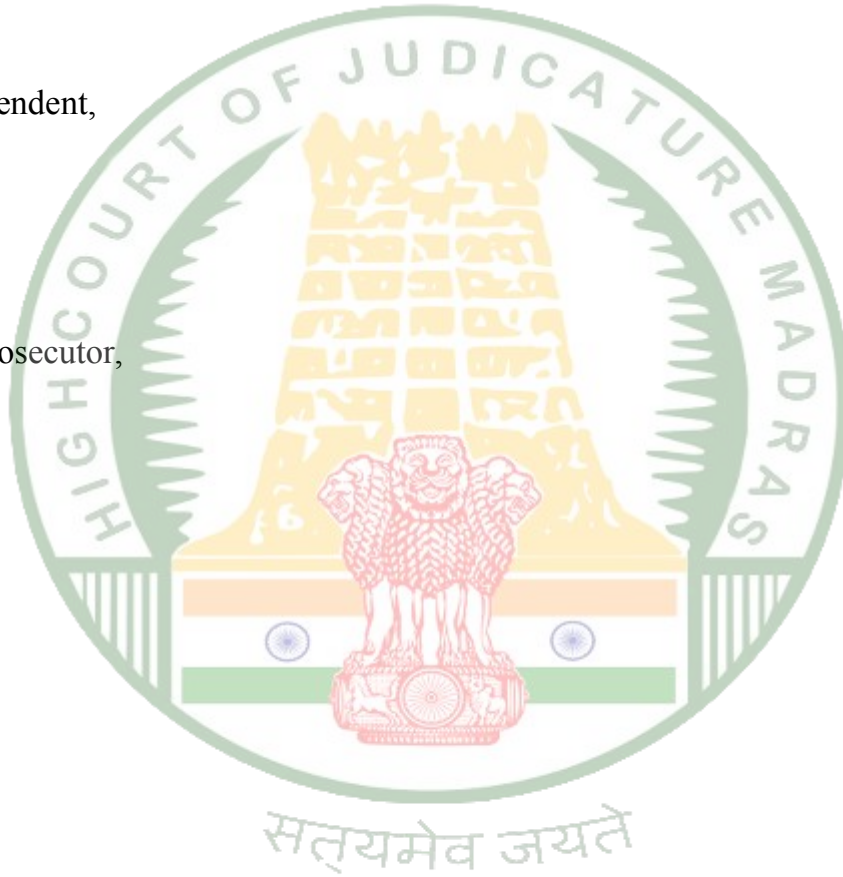
To:

1. The Inspector of Police,
Thiruninravur Police Station,
Chennai.

2. The Judicial Magistrate No.2,
Tiruvallur.

3. The Superintendent,
Central Prizon,
Puzhal,
Chennai.

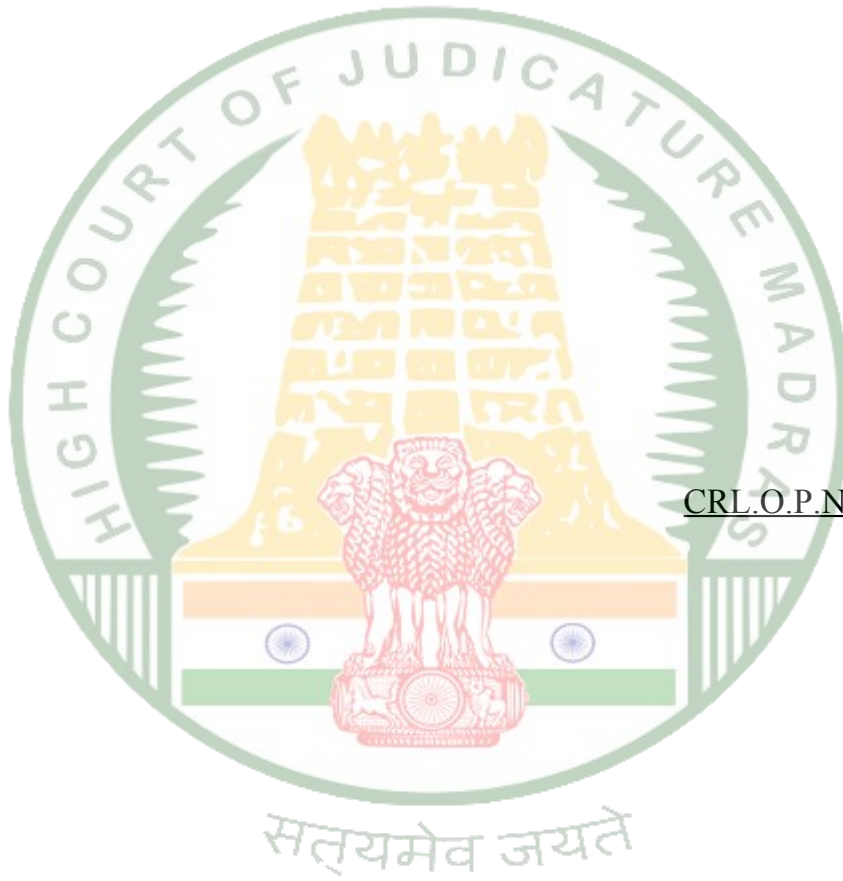
4. The Public Prosecutor,
High Court,
Madras – 104.



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M.NIRMAL KUMAR, J.

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