

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8269 of 2020

Madhavan M
S/o. Jagadheesan,
No.10C, Valatheeswar Koil Street,
Kanchipuram.

... Petitioner

Vs.

State Represented by
The Inspector of Police,
B2-Vishnu Kanchi Police Station,
Kancheepuram District
Crime No.417 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to grant bail to the petitioner in Crime No.1803 of 2020 by the respondent police.

For Petitioner : Mr.G.M.Shankar

For Respondent: Mr.S.Karthikeyan,

Additional Public Prosecutor

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offences punishable under Sections 399 of IPC and section 25(1) (a) of Indian Arms Act in Crime No.1803 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.05.2020, the petitioner along with four others, has prepared to commit dacoity armed by using knife. 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 further submitted that the petitioner has been suffering incarceration from 15.05.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with four others, was preparing to commit dacoity and they were found in possession of machetes. He further submitted that there is one previous case against the petitioner. 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 15.05.2020, 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.

M.NIRMAL KUMAR, J.

vsi2

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

10.06.2020

Vsi2

Index: Yes/No

Internet: Yes/No

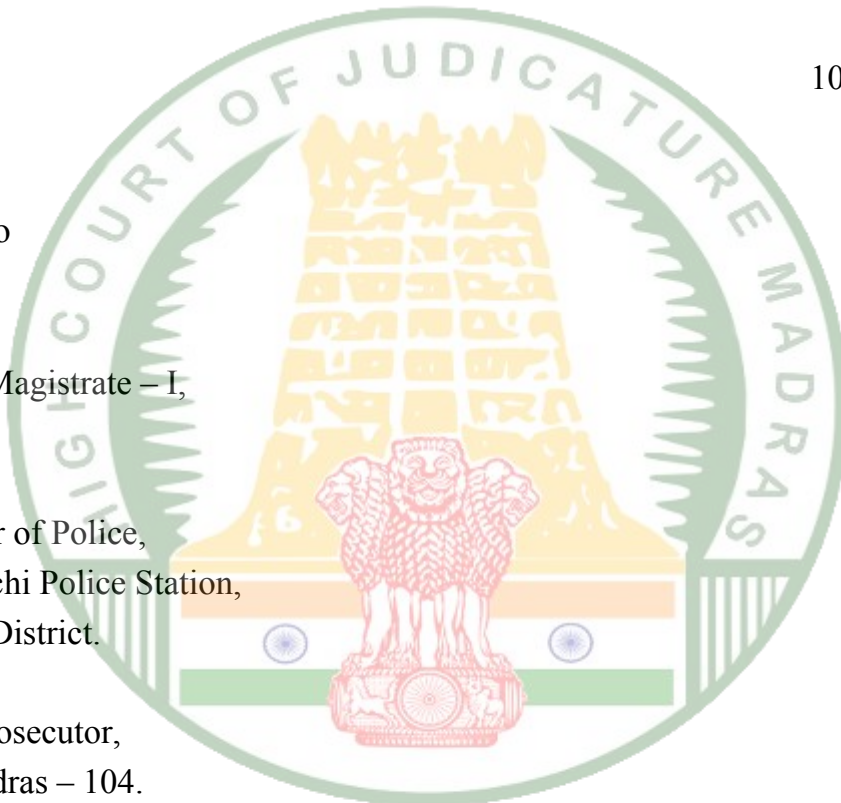
To:

1. The Judicial Magistrate – I,
Kanchipuram.

2. The Inspector of Police,
B2-Vishnu Kanchi Police Station,
Kancheepuram District.

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

4. The Superintendent,
Sub Jail,
Kanchipuram.



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