

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :17.06.2020

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.8824 of 2020

Navarasu

... Petitioner

Vs.

State Rep. by
The Sub Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
Cr. No.133 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.133 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Sathiyarj

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 07.03.2020 for the alleged offences punishable under Section 341 and 392 of IPC in Crime No.133 of 2020, on the file of the respondent police, seeks bail.

2. The case of the the prosecution is that on 06.03.2020 at about 10.00 a.m. the defacto complainant was proceeding towards Tiruvannamalai Government Hospital in his two wheeler. At that time, near the railway bridge at 100 ft. road, he was intercepted by one unknown person who threatened the defacto complainant by showing knife and robbed Rs.500/- from him and also grabbed his two wheeler. Therefore, on 07.03.2020, he lodged a complaint against the unknown person before the respondent police following which, the case came to be registered.

3. The contention of the petitioner is that the name of the petitioner is not found in the FIR and that in the complainant also there is no mention about the physical features and identification of the unknown person. He further submitted that the petitioner has been arrested on a wrong presumption and that he has not involved in this case. Further, no recovery has been made from the

petitioner. He also submitted that though the petitioner has got criminal antecedents in the year 2018 and 2019, now he has been leading a peaceful life and that he is also co-operating with the trial proceedings of the earlier cases. He further submitted that the petitioner has been suffering incarceration for more than 100 days. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner has got a criminal record earlier in the year 2018 for offence under Section 302 and a case under Public Property Destruction Act in the year 2019 and now he has involved in this case. He further submitted that the petitioner is a notorious person and continues to indulge in such activities and that the petitioner was arrested in this case after investigation. Hence, he opposed for the 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 for more than 100 days from 17.03.2020, 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) 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 lockdown 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.

17.06.2020

Internet: Yes/No

kmm

To

1. The Principal District and Sessions Judge, Thiruvannamalai.
2. The Judicial Magistrate No.II, Thiruvannamalai.
3. The Sub Inspector of Police,
Thiruvannamalai East Police Station, Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent,
Central Prison, Vellore.

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M.NIRMAL KUMAR, J.

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