

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8835 of 2020

Vithyabathi

... Petitioner

Vs.

State rep.by
Inspector of Police,
Arakkonam Town Police Station,
Vellore District.
Crime No.473 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner /accused on bail and release him from the custody in Crime No.473 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Sathish kumar

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 29.05.2020 for the offences punishable under Section 399 of IPC in Crime No.473 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant one Hariprasad had preferred a complaint that the petitioner along with other accused had preparing to commit the offence with the deadly weapons like knife, wooden log etc.

3. The contention of the learned counsel for the petitioner is that the petitioner was called for an enquiry on suspicion and thereafter, he has been included in this case and arrayed as A4. The petitioner is no way connected with the other co-accused and the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.05.2020 and therefore, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that totally there are four accused and the petitioner is arrayed as A4. The petitioner along with other accused making preparation to commit an offence with deadly weapons like knife and wooden logs. The information is received from one Hariprasad. Thereafter, the respondent police gone to the scene of occurrence and arrested the accused along with deadly weapons and FIR has been filed. Hence, he vehemently opposed for grant of bail to the petitioner. He further submitted that there are previous cases pending against A1 and A2 and as regards this petitioner, there is no previous case pending.

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 29.05.2020, 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.

-sd/-
17/06/2020

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 SESSIONS JUDGE
VELLORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

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

WEB COPY

CRL OP.8835/2020

Date :17/06/2020

cs 16/10/2020