

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8884 of 2020

Venugopal

... Petitioner

/Vs/

The State Rep by
The Inspector of Police,
Maduravoyal,
Maduravoyal Police Station,
Tiruvallur District.
(Crime No.187 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioner on Bail in Crime No.187 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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

ORDER

This petition has been filed by the petitioner to enlarge the Petitioner on bail in Crime No.187 of 2020 on the file of the Respondent Police.

2. The case of the prosecution is that on 10.03.2020, the petitioner along with other accused persons had waylaid the defacto complaint one Selva Kumar and attacked him, abused and threatened him with filthy language, thereafter robbed a sum of Rs.3,000/- (Rupees Three Thousand only) from the defacto complainant in public. Hence the complaint.

3. The contention of the petitioner is that the petitioner has been shown as A3 in this case. There are totally four accused in this case. The petitioner is not aware about the other accused, the petitioner was earlier shown as an accused in Crime No.185 of 2020. In that case, the petitioner along with other accused and with the victims were having liquor. The wife of A1 is separated. During consumption of liquor, the victim had passed lucid remark against A1

for unable to satisfy his wife and further his wife left him. Hence decided to do away with the victim and the victim was attacked by the petitioner along with his friend and the case in Crime No.185 of 2020 came to be registered. Immediately this case in Crime No.185 of 2020 has been registered to show that the petitioner is a notorious/habitual offender for the purpose of preventive detention and the petitioner was arrested on 10.03.2020.

4. The learned Additional Public Prosecutor submitted that in this case the defacto complainant was threatened at knife point by the petitioner along with other accused and taken away Rs.3,000/- (Rupees Three Thousand only) from him. There are totally four accused in this case and the petitioner is A3. The petitioner was arrested in this case on 10.03.2020 and opposed the bail application.

5. Considering the submissions and perusal of the material and the period of incarceration, 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 their 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 should appear before the respondent police daily for a period of two weeks.

(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 Judicial 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

(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/-
19/06/2020

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 JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADURAVOYAL,
MADURAVOYAL POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

WEB COPY

CRL OP.8884/2020

Date :19/06/2020

cs 28/09/2020