

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8929 of 2020

G. Rajan

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Baluchettychathiram,
Kancheepuram District.
(Crime No.1030 of 2020)

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.1030 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R. Sasikumar

For Respondent : Mr.C.Iyyaparaj

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 06.06.2020 for the offence under Section 399 of IPC r/w Section 25(1) (a) of Indian Arms Act in Crime No.1030 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with four other accused had planned and prepared to commit dacoity and they were all arrested on 06.06.2020 by the respondent police. Further from them knife and wooden log was seized at the time of arrest. Hence, the case came to be registered.

3.The learned counsel of the petitioner submitted that the petitioner was called for an enquiry on 06.06.2020 by the respondent at about 6.45 a.m. Thereafter, the petitioner went to the police station at about 10.00. a.m. The CCTV footage recorded

in and around the police station would clearly show that the petitioner entered the police station at about 10.00. a.m and the petitioner has been falsely implicated in this case. The petitioner does not know who is the other accused and he is not present in the scene of occurrence as alleged by the respondent. Hence, prays for grant of bail

4. The learned Additional Public Prosecutor submitted that there are totally 5 accused in this case. The petitioner along with other accused persons were making preparation to commit dacoity and the respondent police had arrested the petitioner and other accused persons and from them knife and wooden logs were seized. Further the petitioner has a case U/s 302 of IPC in the year 2019 and opposed the bail application.

5. Considering the facts and circumstances of the case and also taking into consideration 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 execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 daily for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond 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 petitioners 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 229AIPC.

-sd/-

18/06/2020

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,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

4 THE INSPECTOR OF POLICE,
BALUCHETTYCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.8929/2020

Date :18/06/2020