

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

CrI.O.P.No.9049 of 2020

Amirtharaj

...Petitioner

Vs.

The State ; represented by
Inspector of Police,
Steel Plant Police Station,
Salme District.
(Crime No.572 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.572 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 23.05.2020 for the offence punishable under Sections 341, 392, 397, 506(ii) of IPC, in Crime No.572 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused person had waylaid and taken away a sum of Rs.3,500/- from the de-facto complainant by showing a knife. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that there was a land dispute between one lady and the petitioner. He would further submit that there was a wordy quarrel for which, the case came to be registered in Crime No.568 of 2020. Apart from the other IPC offences, under Section 4 of Women Harassment Act. He would further submit that the petitioner was shown arrest in this case. He would further submit that the Lower Court had granted bail with regard to the petitioner in Crime No.568 of 2020. He would further submit that the petitioner is an innocent person and he is falsely implicated in this case. Further, he would submit that the petitioner is in judicial custody from 23.05.2020 and seeks bail for

4. The learned Additional Public Prosecutor would submit that petitioner has got four previous cases, three cases of similar in nature and the petitioner, involved in Crime No.568 of 2020, wherein, a lady was shop keeper was assaulted by the petitioner. Further, the petitioner along with other accused persons had waylaid and taken away a sum of Rs.3,500/- from the de-facto complainant by showing knife. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the submissions, the petitioner had involved for the offences during the year 2014 and 2018. Thereafter, he had been leading normal life and the petitioner was shown arrest in Crime No.568 of 2020 which is pursuant to a land dispute, the petitioner is granted bail by the Lower Court in Crime No.568 of 2020.

6. 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 23.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) Accordingly, 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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 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 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/-
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 PRINCIPAL SESSIONS JUDGE
SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.I, SALEM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM DISTRICT.

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

CRL OP.9049/2020

Date :19/06/2020