

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9133 of 2020

1.Silambarasan

.. Petitioners

2.Mani @ Manikandan

3.Mani @ Manivarma

/versus/

State Rep by

... Respondent

Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District,
Crime No 1236 of 2020.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail pending investigation in Crime No.1236 of 2020 on the file of the Sub Inspector of Police, Kadaladi Police Station, Tiruvannamalai District.

For Petitioners: Mr.V.Prakash Babu

For Respondent : Mr.K.Prabhakar, APP

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 07.06.2020 for the alleged offence punishable under Section 392 IPC in Crime No.1236 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 04.06.2020 at about 8.30 p.m. while the *defacto complainant*, who was going to a hotel in Kanji Village, the first petitioner herein had demanded Rs.50/- from the *defacto complainant* and took him in his motor cycle to a petrol bunk, for buying petrol. While, on the way they were nearing Kanji Girls School, the first petitioner threatened the *defacto complainant* and at the same time the other accused, who were in the other motor cycle and are the friends of the 1st petitioner came to the place and threatened the *defacto complainant* by brandishing a knife and taken away Rs. 600/- and a Oppo Cell Phone from him.

3. The learned counsel for the petitioners would submit that the petitioners and the victim are known to each other and due to previous enmity a false complaint has been given. He would further submit that the alleged occurrence is stated to be taken place on 04.06.2020, whereas, a complaint has been made only on 07.06.2020, after a delay of 3 days. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioners have waylaid the *defacto* complainant and threatened him by brandishing a knife and taken away an amount of Rs.600/- and also a Oppo Cell Phone. He would further submit that the first petitioner has got one previous case and that there are no previous cases as against the petitioners 2 and 3. Hence, he opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that the petitioners and the *defacto* complainant are known to each other and that the amount of Rs.600/- and the Oppo Cell Phone have been recovered.

6. Taking into consideration the facts and circumstances of the case and that there is one previous as against the first petitioner, I am not inclined to grant bail to the first petitioner. **Accordingly, this petition is dismissed insofar as the first petitioner concerned.**

(ii) Taking into consideration the facts and circumstances of the case and that there are no previous cases as against the petitioners 2 and 3, **I am inclined to grant bail to the petitioners 2 and 3 subject to the following conditions :**

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Kalasapakkam, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 petitioners shall report before the respondent police every day at 10.30 a.m. for a period of three weeks and thereafter every Monday at 10.30 a.m. until further orders.

(e) the petitioners to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

(j) 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/-
30/06/2020

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,
KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KADALADI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, POLUR.

CC to M/S. V.PRAKASH BABU Advocate on payment of necessary
charges

CRL OP.9133/2020

Date :30/06/2020

TA-13/07/2020



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