

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.07.2020
CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. Nos. 9239 and 9323 of 2020

Suriya ... Petitioner in Crl.O.P.No. 9239 of 2020

1. Hema Kumar
2. Karthik ... Petitioners in Crl. O.P. No. 9323 of 2020

-vs-

The State Rep. by
The Inspector of Police,
Arani Police Station,
Thiruvallur District. ... Respondent
in both Crl. O.P.s

PRAYER in Crl. O.P. No. 9239 of 2020:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail in Crime No. 517 of 2020, on the file of the Inspector of Police, Arani Police Station, Thiruvallur District, on such terms and conditions as this Court may deem fit and proper.

PRAYER in Crl. O.P. No. 9323 of 2020 :- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No. 517 of 2020 on the file of the respondent police.

For Petitioners : M/s. M. Sathyasai Eswari
(in Crl. O.P. No. 9239 of 2020)
Mr. S. Sugendran
(in Crl. O.P. No. 9323 of 2020)

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor (in both Crl. O.P.s)

C O M M O N O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 25.05.2020 and 26.05.2020 in Crime No. 517 of 2020 which was registered by the Respondent for the offence punishable under Sections 341 and 392 of the Indian Penal Code, 1860, seek bail.

2.The case of the prosecution as per the de-facto complainant, Jenmarana is that on 25.05.2020, while the de-facto complainant was returning back to his home, the accused have threatened him with knife and caused injury and robbed Rs.3,500/- (Rupees Three Thousand and Five Hundred only) and jio mobile phone from him. Hence, the Petitioners were arrested and remanded to judicial custody on 25.05.2020 and 26.05.2020.

3.The learned counsel for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. They would further submit that the Petitioners are permanent residents of Arani and there is no previous case against them. They would further submit that the main accused in this case has already been granted bail by the Trial Court. Hence, they pray for grant of bail.

4.The learned Additional Public Prosecutor would submit that while the de-facto complainant was returning back to his home, the accused have threatened him with knife and caused injury and robbed Rs.3,500/- (Rupees Three Thousand and Five Hundred only) and jio mobile phone from him. He would further submit that part amount of cash and mobile phone has been recovered, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case and the submissions made by the learned Counsel, this Court is inclined to grant bail to the Petitioners 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 prisons, in which the Petitioners have been confined and thereafter on their release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate Nos. I & II, Ponneri 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 Magistrates 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, they shall report before the respondent police every Monday at 10.30 a.m. until further orders;

(e) the Petitioners shall not commit any offences of similar nature;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) the Petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrates/Trial Courts are 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

01/07/2020

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.I,
PONNERI.

2 THE JUDICIAL MAGISTRATE NO.II
PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

4 THE ADDITIONAL PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ARANI POLICE STATION,
THIRUVALLUR DISTRICT

6 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON,
PUZHAL, CHENNAI.

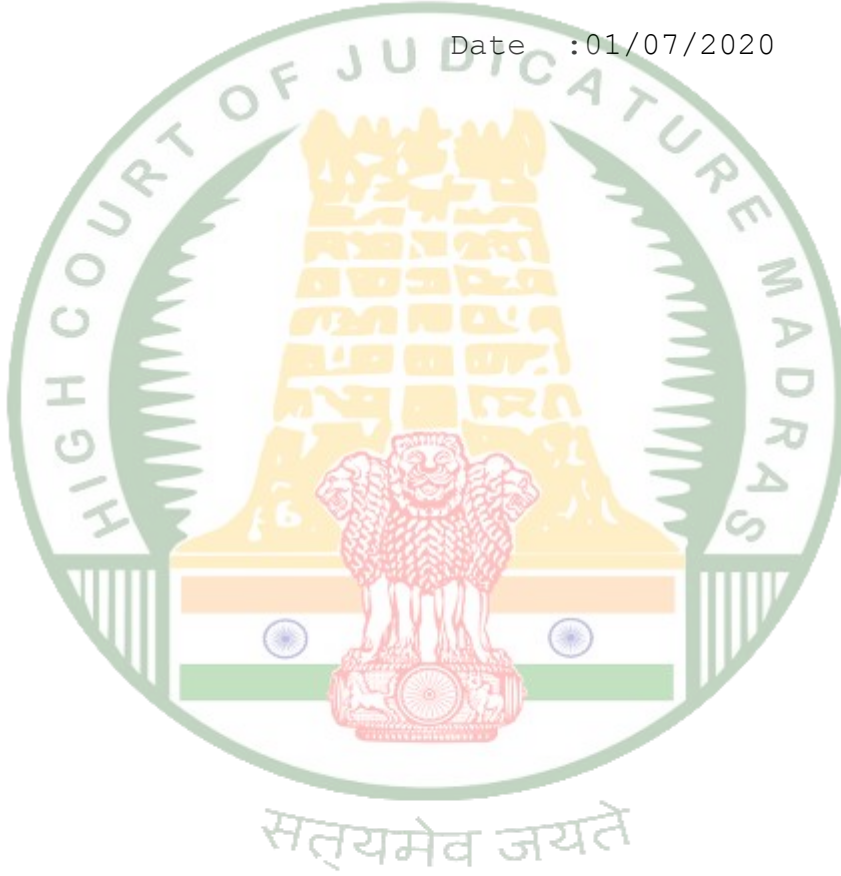
7 THE JAILOR,
SUB JAIL, PONNERI

CC to M/S. M.SATHYASAI ESWARI Advocate on payment of
necessary charges

CRL OP.9239 & 9323 OF 2020

Date :01/07/2020

MK:14/08/2020



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