

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

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

Crl.O.P.No.9282 of 2020

S.Prasanth

.. Petitioner

/versus/

State Rep.by
The Inspector of Police,
Perambalur Police Station,
Perambalur District,
Crime No.1638 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the Petitioner/Accused-2 on bail in Crime No.1638 of 2020 on the file of the Perambalur Police Station, Perambalur District.

For Petitioner : Mr.A.Ethaya Selvan

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.06.2020 for the offence punishable under Section 399 of IPC in Crime No.1638 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 were found making preparation to commit robbery.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is working as a daily wager in M.R.F. Company and he is the only sole bread winner of the family. Hence, he seek grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with four other accused was found making preparation to commit robbery and on search the respondent police recovered two Machetes, Chilly powder and Monkey caps. He would further submit that one previous case is pending.

5. Taking into consideration the period of incarceration and the submission made by the learned counsel for the petitioner, 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 and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Perambalur, Perambalur District, 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 petitioner shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

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

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

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

(h) the petitioner 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.

24.06.2020

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To

1. The Judicial Magistrate,
Perambalur, Perambalur District.

2. The Officer Incharge,
Sub-Jail, Jeyankondam,
Ariyalur District.

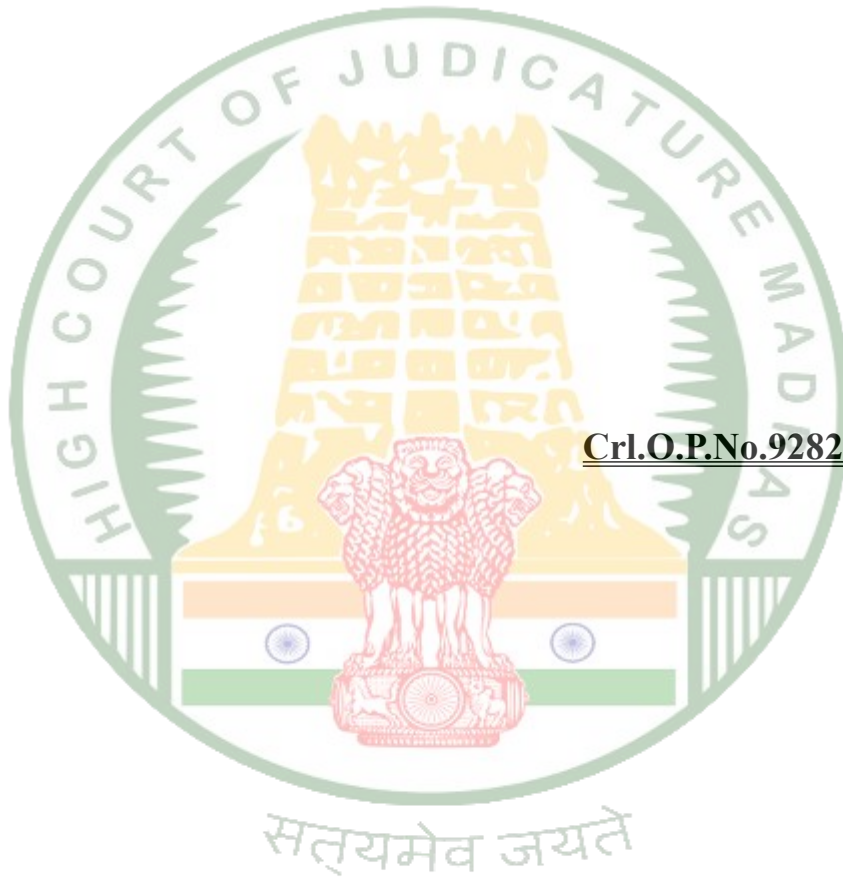
3. The Inspector of Police,
Perambalur Police Station,
Perambalur District.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9282 of 2020

A.D.JAGADISH CHANDIRA, J.

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