

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2020

CORAM :

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

Crl.O.P.No.9481 of 2020

Sasikumar

.. Petitioner

/versus/

The State of Tamil Nadu
Represented by its
The Inspector of Police,
M-5, Ennore Police Station,
Tsunami Quarters,Ernavoor,
Chennai - 600 057,
Crime No.1103 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.1103 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Saravanan

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.06.2020 for the alleged offence punishable under Sections 294(b), 341, 397 and 506(ii) IPC in Crime No.1103 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *defacto complainant*, Sarathbabu is that on 01.06.2020, while he was walking along the beach road, two persons, who could be identified waylaid him and by threatening robbed an amount of Rs.1000/- from him and also threatened not to give a complaint to the police.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case for statistical purpose. He would further submit that he has got one previous case registered during the year 2019 only for the purpose of statistics and that he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The Additional Public Prosecutor for the respondent would submit that the petitioner along with his friend waylaid the *defacto complainant* and robbed the amount of Rs.1000/-. He would further submit that the petitioner is involved in one previous case, registered in Crime No.314 of 2019.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and that the petitioner is in custody from 01.06.2020, 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 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, Thiruvottiyur, 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 two weeks 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 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];

(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/-

02/07/2020

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,
THIRUVOTTIYUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
M5, ENNORE POLICE STATION,
TSUNAMI QUARTERS, ERNAVOOR,
CHENNAI - 600 057,

4 THE OFFICER INCHARGE,
SUB-JAIL, PONNERI.

CC to M/S.D.SARAVANAN Advocate on payment of necessary charges

CRL OP.9481/2020

Date : 02/07/2020

GKS (RD) : 04/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>