

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2020

CORAM

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

Cr1.O.P.No.9412 of 2020

Kabil Kumar
S/o.Eswaran
No.60, Ranganathapuram
3rd Street, Tiruppur East
Tiruppur District ... Petitioner

Vs.

State rep. by
Inspector of Police
North Police Station
Tiruppur District
Cr.No.1274 of 2020 ... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.
seeking to enlarge the petitioner on bail in Crime No.1274 of 2020 on
the file of the respondent police.

For Petitioner : Mr.N.Sudharsan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody
on 21.05.2020 for the offence punishable under Section 399 IPC in
Crime No.1274 of 2020 on the file of the respondent police, seeks
bail.

2.The case of the prosecution is that on 21.05.2020, the
petitioner who is arrayed as A-1 and the other accused who is arrayed
as A-2 were preparing to commit robbery and they were in possession
of iron rod and aruval. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case for the purpose of statistics. He would further submit that

his earlier petition seeking bail in CrI.O.P.No.8205 of 2020 was dismissed by this Court on 05.06.2020. He would also submit that the petitioner is in judicial custody from 21.05.2020 and prays for grant of bail.

4.The learned Additional Public Prosecutor submitted that the petitioner along with the other accused/A-2 were preparing to commit robbery and they were found in possession of deadly weapons. He would further submit that there are two previous cases against the petitioner. He would also submit that A-2 was granted bail by this Court on 05.06.2020 in the said CrI.O.P.No.8205 of 2020. However, he opposed for the grant of bail.

5.Taking into consideration the facts of the case and the period of incarceration undergone by the petitioner from 21.05.2020, 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 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 Judicial Magistrate No.I, Tiruppur, within 15 days from the date of lifting of 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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter, on every Monday 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.

-sd/-

25/06/2020

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,
NO.I, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON,TIRUPPUR

3 THE INSPECTOR OF POLICE
NORTH POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.N.SUDHARSAN Advocate on payment of necessary charges

CRL OP.9412/2020

Date :25/06/2020

rd 27/07/2020