

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM :

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

Crl.O.P.No.9435 of 2020

Thangarasu

... Petitioner

Vs.

State Rep. by

The Inspector of Police

Pathirivedu Police Station,

Thiruvallur District.

Crime No.517 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.517 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.K.Prabakar

Additional 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 26.05.2020 in Crime No.517 of 2020 on the file of the respondent police for the offences punishable under Sections 294 (b), 392, 307, 397 IPC, seeks bail.

2. The case of the prosecution as per the defacto complainant/Nagaraj is that on 25.05.2020, while he was returning back to his home from Bazaar, the accused had waylaid him and by causing injury to him by knife, robbed an amount of Rs.1,000/- from him.

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 submit that the petitioner is a handicapped person and that he is inside in

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused waylaid the defacto complainant and assaulted him with a knife and robbed an amount of Rs.1,000/- and part of the amount has been recovered. He would further submit that there is one previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the Counsels and the petitioner is inside in custody from 26.05.2020, 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), before the learned District Munsif cum Judicial Magistrate, Gummidipoondi, within 15 days from the date of lifting of the lock down 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 on 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 shall not commit any offences of similar nature;

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

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

(h) 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];

(i) 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/-
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PATHIRIVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

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

MK:14/08/2020

CRL OP.9435/2020

Date :01/07/2020