

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2019

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9444 of 2020

(Crime No.135 of 2020)

D.Vijayakumar

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Sulur Police Station,
Coimbatore

.... Respondent

Prayer: This Criminal Original Petition has been filed under Section 439 of the Code Criminal Procedure to enlarge the petitioner on bail in Crime No.135 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.E.Ravichandran

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor.

ORDER

(This case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.02.2020 for the offences punishable under Section 392 and 302 of the IPC in Crime No.135 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.02.2020, at about 11.45. p.m. when the defacto complainant and his son were returning to their home, the accused 1 to 3 came in 2 two wheelers and one among the accused had asked the deceased to give his cell phone and that when the deceased refused to give his cell phone, one of the accused assaulted him with sharp edged weapon and snatched the cell phone, due to which the deceased sustained injury and he was admitted to the hospital and thereafter, the deceased reported dead due to the injuries sustained to him.

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 co-accused has been released on bail by this court. The petitioner is in custody from 22.02.2020 and the final report has not been filed so far.

4 The learned Additional Public Prosecutor would submit that totally there are 6 accused in this case and that already, A5 was granted bail by this court. He would further submit that one previous case is pending against the petitioner and investigation is yet to be completed.

5 Considering the facts and circumstances, that the petitioner is in custody from 22.02.2020 and that the final report is not filed, 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, Sulur, 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 of Bank Pass Book to ensure their identity,

(d) The petitioner shall report before the respondent police daily 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/-
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,
SULUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE ADDL. PUBLIC
PROSECUTOR, MADRAS HIGH COURT,
CHENNAI-104

4 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE.

CC to M/S. A.E.RAVI CHANDRAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9444/2020

rd 22/07/2020

Date :25/06/2020

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