

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9445 of 2020

Poochi @ Karthik

... Petitioner

-vs-

State, represented by
The Inspector of Police,
Steel Plant Police Station,
Salem District.
(crime no.514 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 514/2020 on the file of Inspector of Police, Steel Plant Police Station, Salem District.

For Petitioner : Mr. N.Vijaya Baskar

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 10.05.2020 for the offences punishable under Sections 341, 392, 397 and 506 (ii) of I.P.C., in Crime No.514 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant, is that on 10.05.2020 at 8.00 A.M., when the de-facto complainant was going in the motor cycle, the petitioner along with other accused waylaid him and at knife point robbed a sum of Rs.500/- (Rupees Five Hundred Only) and also taken away 10 pairs of silver anklets from him and also threatened him with dire consequences.

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 a clear reading of F.I.R. would clearly prove that the case was registered for the purpose of invoking Act 14 against the main accused persons. He would further submit that pursuant to the registration of the F.I.R. the main accused was detained under Act 14 of the Goondas Act.

4.The learned Additional Public Prosecutor would submit that the petitioner along with other accused waylaid the de-facto complainant

and snatched a sum of Rs.500/- from him along with 10 pairs of silver anklets.

5. Taking into consideration of the facts and circumstance of this case and also taking into consideration the period of incarceration, 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 I, Salem 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 daily at 10.30 a.m. for a period of two weeks and thereafter on 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,
NO.I, SALEM

2 THE JAILOR
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM DISTRICT.

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

सत्यमेव जयते
CRL OP.9445/2020

Date :25/06/2020

rd 27/07/2020

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