

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2020

CORAM

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

Crl.O.P.No.9549 of 2020

Baskar @ Risk Baskar, M/31 years
S/o. Harikrishnan,
Paleeshwaran Kandigai,
New Gummudipoondi,
Thiruvallur District.

...Petitioner/ Accused

Versus

State Rep. By
The Inspector of Police,
Gummudipoondi Sipcot Police station,
Thiruvallur District.
(Crime No.874 of 2020)

...Respondent/Complainant

Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail pending investigation in Crime No. 874 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.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 12.05.2020 in Crime No.874 of 2020 on the file of the respondent police for the offences punishable under Section 393 of IPC, seeks bail.

2.The case of the prosecution as per the de-facto complainant - Mr.Neelakandan, Sub-Inspector of police is that on 12.05.2020, when he was on routine duty, he had seen the accused on suspicious circumstances, on seeing the police, the petitioner-accused attempted to run away from the scene of occurrence and fell down and sustained injuries. The de-facto complainant enquired the accused and he found that he was making preparation to commit robbery on the passersby.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he was called for enquiry and brutally assaulted in the station. The petitioner suffered fracture and thereafter a false case was registered and the petitioner was remanded to judicial custody. Therefore, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is already a notorious offender having eight previous cases. Hence, he opposed to grant bail to the petitioner herein.

5.On perusing the First Information Report and taking into consideration the facts and circumstances of the case and 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), before the learned Judicial Magistrate, Gummudipoondi, within a period of two weeks 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 Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police every Monday at 10.30 am., 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/-
26/06/2020

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,
GUMMUDIPOONDI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUMMUDIPOONDI SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.9549/2020

Date :26/06/2020

rd 21/07/2020

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