

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9663 of 2020

Arunkumar

... Petitioner

-vs-

State Rep By:

The Inspector of Police,
B-2, Vishnukanchi Police Station,
Kanchipuram District. Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Cr. No. 2275 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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 13.06.2020 in Crime No.2275 of 2020 which was registered by the Respondent for the offence punishable under Section 399 of the Indian Penal Code, 1860, and Section 25(1) (a) of the Arms Act, 1959, seeks bail.

2.The case of the prosecution as per the de-facto complainant, Sub-Inspector of Police is that when he was on usual rounds, he found that the Petitioner along with the other accused was making preparation to commit robbery.The Petitioner was arrested and remanded to judicial custody on 13.06.2020.

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 Petitioner was arrested since he happened to be known to other accused. He would further submit that the Petitioner was arrested and remanded to judicial custody on 13.06.2020, and seeks bail.

4.The learned Additional Public Prosecutor would submit that the Petitioner was found with the company of the other accused in making preparation to commit robbery. He would further submit that the other accused, who was arrested with the Petitioner, have got previous cases including offence

punishable under Section 302 of IPC and opposed for granting bail.

5. Taking into consideration of the fact that the Petitioner has got no previous case, 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 No.I, Kanchipuram 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 everyday at 10.30 a.m. for a period of two weeks and thereafter, he shall report before the respondent police 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/-
29/06/2020

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,
KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT [FOR INFORMATION]

3 THE ADDITIONAL PUBLIC
PROSECUTOR, HIGH COURT, MADRAS.

4 THE JAILOR, SUB-JAIL,
SAIDAPET, CHENNAI

5 THE INSPECTOR OF POLICE
B-2, VISHNUKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.9663/2020

Date : 29/06/2020

GKS (RVR) : 25/08/2020