

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.9840 of 2020

Prathaf Petitioner

Vs.

State rep. by,
The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
Crime No.105 of 2020 Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in Crime No.105 of 2020 pending on the file of respondent police.

For Petitioner : Mr.P.S.Amalraj

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

The petitioner arrested and remanded to judicial custody in Crime No.105 of 2020 for the offence under Section 341, 294(b), 392, 397 and 506(ii) IPC, seeks bail.

2.The case of the prosecution is that the defacto complainant Ismail, a Loadman in Vellore vegetable market on 11.05.2020 early morning at about 04.00 a.m., when he was passing under the railway over bridge, Chenbakkam, Vellore, a person aged about 30 years standing before him with motorcycle. The said person restrained the defacto complainant and proclaimed himself as Thottapalayam Prathaf/petitioner, claimed his name will treample Vellore City. The petitioner forced the defacto complainant to part with money. When the defacto complainant stated that he did not have money, the petitioner took a knife and attempted to attack the defacto complainant on his stomach, at that time, the defacto complainant moved away and the knife tore apart his shirt. Had not the defacto complainant moved away, he would have got injured and lost his life, the petitioner took away Rs.2,400/- from his pocket. In fear the defacto complainant raised alarm, the people nearby rushed towards him, at that time, the petitioner brandishing his knife, threatened the public and escaped from the scene of occurrence. The defacto complainant at about 05.00 p.m., lodged a complaint. Hence, a case came to be registered in Crime No.105 of 2020.

3.The learned counsel for the petitioner submitted that the petitioner is falsely implicated in this case for statistical purpose and to detain him under Goondas. The defacto complainant is the handyman of the respondent who has given a false complaint. In this case, the petitioner was arrested on 11.05.2020 at about 09.30 a.m., he was badly beaten his right ankle and left hand was severely damaged. Due to which, he is taking treatment in the Government Hospital, Vellore. The petitioner is implicated on the premise that he belongs to Gangster of one Sasi @ Sasikumar. The petitioner is still suffering for the injuries and taking treatment. The petitioner studied BBA in St.Joseph College, Tiruchirapalli and due to the petitioner being implicated in one or other case his future has been jeopardised. Now the petitioner is in confinement for more than 61 days and he will abide any condition and cooperate with the investigation.

4.The learned Additional Public Prosecutor submitted that the petitioner waylaid the defacto complainant and robbed a sum of Rs.2,400/- in public road. When the defacto complainant raised alarm, the people nearby rushed towards him, at that time, the petitioner

brandishing his knife, threatened the public, thereby creating terror in the minds of public. Further, the petitioner is involved in six other cases, of which one murder case. The petitioner is a notorious person who belongs to Gangster of Sasi @ Sasikumar group who threatening the lodge owners and others in Vellore, committing offence of extortion and are menace to the public safety. He further submitted that during arrest on 11.05.2020, the petitioner attempted to flee away, slipped and fell over the railway track and sustained injuries. The investigation in this case is still pending. Hence, he opposed the bail application.

5.Considering the facts and circumstances of the case and taking into consideration that the petitioner was severely injured on his right ankle and left hand and taking treatment for the same and the petitioner is in confinement for more than 61 days. The petitioner is on bail in other cases, hence, this Court is inclined to grant bail to the petitioner, subject to the following conditions:-

(i)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 on his release;

(ii)The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(iii)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;

(iv)The petitioner shall report before the respondent police daily at 10.00 a.m., and 04.00 p.m., until further orders.

(v)The petitioner shall not commit any offences of similar nature;

(vi)The petitioner shall not abscond either during investigation or trial;

(vii)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(viii)On breach of any of the aforesaid conditions, the learned 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]***.

(ix)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

M.NIRMAL KUMAR, J.

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6.With the above directions, this Criminal Original Petition is ordered.

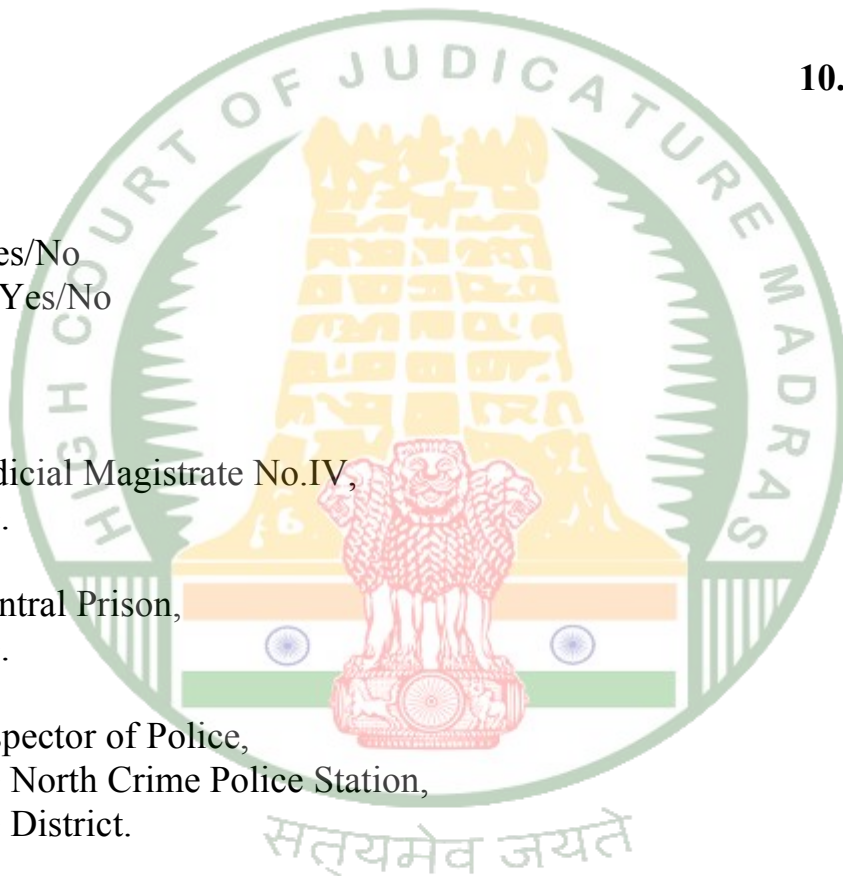
10.07.2020

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Index: Yes/No
Internet: Yes/No

To

- 1.The Judicial Magistrate No.IV,
Vellore.
- 2.The Central Prison,
Vellore.
- 3.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court Madras.



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