

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

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

Crl.O.P.No.10128 of 2020

1. P.Marimuthu @ Karate Marimuthu
2. R.Manikandan @ Tho Tho Mani

... Petitioners

Vs.

State represented by
The Inspector of Police,
Thiruvarur Town Police Station.
(Cr. No.1409 of 2020)

.... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioners on bail.

For Petitioner : Mr.P.Sakthivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 21.06.2020 for the offences punishable under Sections 294(b), 392 and 397 IPC in Crime No.1409 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.06.2020, the petitioners along with another, waylaid the defacto complainant and by brandishing knife robbed Rs.200/- from him. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent. Since, they violated the lock down restriction, a false case has been registered against them and that the petitioners have been in judicial custody from 21.06.2020. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate submitted that on 21.06.2020 at about 9 a.m., the petitioners along with another, waylaid the defacto complainant and robbed Rs.200/- from him by brandishing knife. He would further submit that the petitioners are already accused in another case in crime No.100 of 2016. Hence, he opposed for the grant of bail.

5. Considering the above facts and circumstances of the case and considering the period of incarceration by the petitioners from

21.06.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Thiruvavur, on or before 06.08.2020, 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

06/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE OFFICER INCHARGE,
MANNARGUDI SUB JAIL, THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

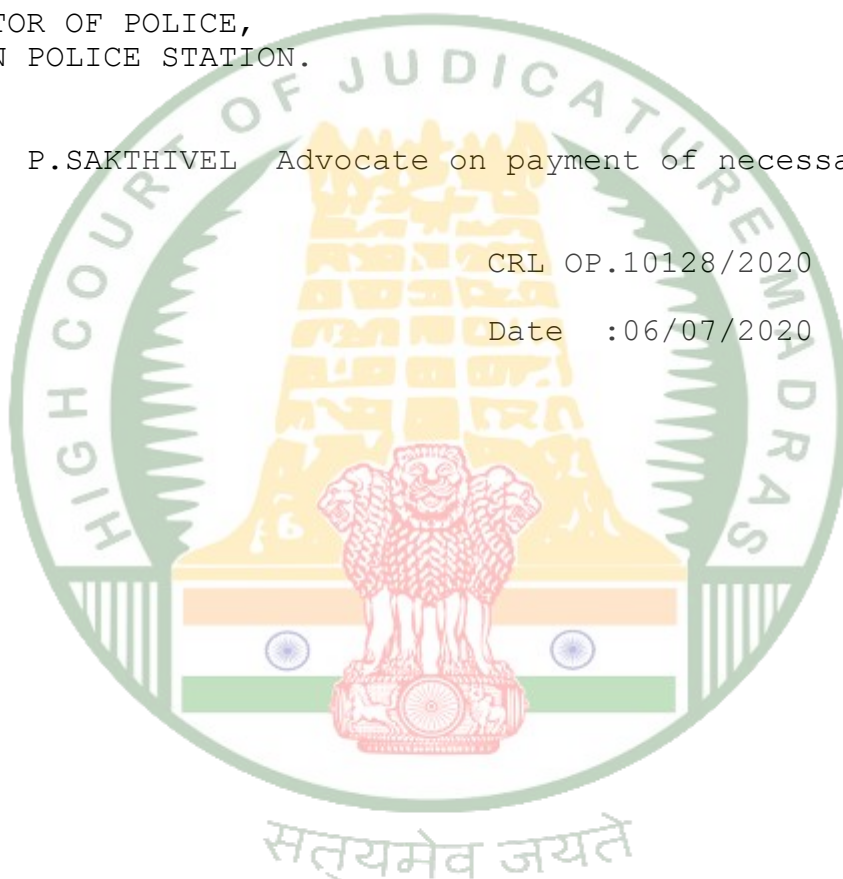
4 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION.
THIRUVARUR

CC to M/S. P.SAKTHIVEL Advocate on payment of necessary charges

CRL OP.10128/2020

Date :06/07/2020

RVR 28/08/2020



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