

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No.10152 of 2020

Naveen Kumar

... Petitioner

-vs-

State rep. By:
Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram, Kanchipuram District.
(Crime No.2225 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 2225 of 2020 on the file of the Respondent.

For Petitioner : Mr. K.G. Senthil Kumar

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

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 11.06.2020 in Crime No. 2225 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 11.06.2020.

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 happens to be known to other accused. He would further submit that A3 has been granted anticipatory bail and A4 has been granted bail by this Court vide Crl.O.P.Nos.9728 of 2020 and Crl.O.P.No.9662 of 2020 respectively and that the petitioner has been in judicial custody on 11.06.2020. Hence, seeks for bail.

4.The learned Government Advocate 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 petitioner has got three previous cases and opposed for granting bail.

5.Taking into consideration the fact that co-accused have been granted bail / anticipatory bail by this Court and considering the period of incarceration by the petitioner from 11.06.2020, 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/-

06/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.10152/2020

Date :06/07/2020

RVR 28/08/2020