

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.07.2020

CORAM :

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

Crl.O.P.No.10190 of 2020

1. Prakash @ Berika  
2. Vicky @ Vignesh

... Petitioners

- Vs. -

The State by  
The Inspector of Police,  
Shankar Nagar Police Station,  
Kancheepuram District.  
(Crime No.589 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail pending investigation in Crime No.589 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Senthilvel

For Respondent : Mr.T.Shanmugarajeswaran,  
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 04.06.2020 for the offences punishable under Sections 341, 294(b), 392 r/w 397 and 506(ii) of the Indian Penal Code, 1860, in Crime No.589 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners waylaid the de facto complainant and abusing him with filthy language and threatening him with knife and robbed an amount of Rs.650/-.

3. The learned counsel for the Petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case only for the statistical purpose. He would submit that the first petitioner has got one previous case for the offence under Section 302 of IPC for such reason, he has been implicated in this case and the second petitioner is concerned, he has no previous case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners waylaid the de facto complainant by brandishing the knife and robbed an amount of Rs.650/-

from him. He would further submit that the amount has been recovered and that the investigation is pending.

5. Taking into consideration of the facts and circumstances of the case, 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), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Tambaram, 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 petitioners shall report before the respondent police everyday 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/-

07/07/2020

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.II, TAMBARAM

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,  
SHANKAR NAGAR POLICE STATION,  
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON-II, PUZHAI, CHENNAI

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

CRL OP.10190/2020

Date :07/07/2020

RVR 02/09/2020

WEB COPY