

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.10195 of 2020

1. Mujbrahman
2. Selvamani

... Petitioners

- Vs. -

The Inspector of Police,
Peralam Police Station,
Crime No.1349/2020
U/s 341, 397, 392 IPC
25 (1B) (b) Arms Act.

... 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.1349 of 2020 on the file of the respondent police.

For Petitioners : Mr.J.Milton Arul Rajendran

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 12.06.2020 for the offences punishable under Sections 341, 397, 392 of the Indian Penal Code, 1860 and 25(1B) (b) of Arms Act, 1959, in Crime No.1349 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners on 12.06.2020, when the de facto complainant was standing at Kollumangudi Bus stop, the petitioners along with other accused had come in a Mahindra car and that they have threatened the de facto complainant with Arival and had robbed a sum of Rs.1,000/-.

3. The learned counsel for the Petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, due to political reasons.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on 12.06.2020, when the de facto complainant was standing at the bus stop, the petitioners along with other accused have come in a Mahindra Car and threatened the de facto complainant and robbed an amount of Rs.1000/-. He would further submit 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 District Munsif-cum-Judicial Magistrate, Nannilam, 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. for a period of four weeks and thereafter, every Monday 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.

-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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

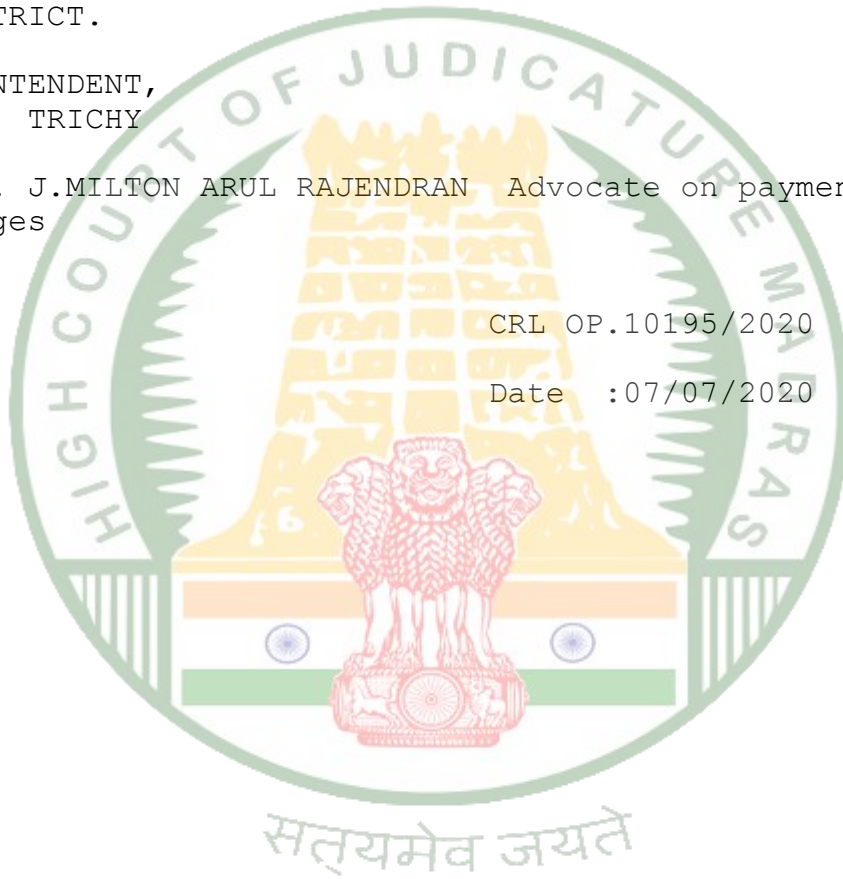
4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to M/S. J.MILTON ARUL RAJENDRAN Advocate on payment of
necessary charges

CRL OP.10195/2020

Date :07/07/2020

RVR 02/09/2020



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