

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10292 of 2020

Raja

... Petitioner

Vs.

State Represented by :-

The Inspector of Police,
Perambalur Police Station,
Perambalur District.
Cr. No.1657 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/Accused-3 on bail in the event of
their arrest by the respondent police in Crime No.1652 of 2020, on
the file of the Perambalur Police Station, Perambalur District.

For Petitioner : Mr.A.Ethayaselvan

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

O R D E R

(The case has been heard through video conference)

The petitioner/A3, who was arrested and remanded to judicial
custody on 14.06.2020 for the offences punishable under Section 399
of IPC in Crime No.1657 of 2020 on the file of the respondent police,
seeks bail.

2. It is the case of the prosecution that the petitioner along
with other accused persons was preparing to commit robbery and that
chilly powder and machete were seized from the accused persons.
Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted
that the petitioner is an innocent person and he has been falsely
implicated in this case. Hence, he seeks for grant of bail to the
petitioner.

4. The learned Government Advocate appearing for the respondent
submitted that totally there are three accused in this case and the
petitioner is arrayed as A3. He further submitted that there is one
previous case pending against the petitioner. Hence, he opposed for
the grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner from 14.06.2020, 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, Perambalur, Perambalur District on or before 08.08.2020 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 petitioner shall report before the respondent police daily 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/-
08/07/2020

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,
PERAMBALUR, PERAMBALUR DISTRICT.

2 THE OFFICER INCHARGE
SUB JAIL, PERAMBALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

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

CRL OP.10292/2020

Date :08/07/2020

cs 04/08/2020

WEB COPY