

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10310 of 2020

Agastin

... Petitioner

/vs/

State by

Inspector of Police,
Peralam Police Station,
Thiruvavarur.

... Respondent

Crime No.1349 of 2020

Prayer : This Criminal Original Petition has been filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail in Crime No. 1349 of 2020 on the file of the respondent police.

For Petitioner : Mr.A. Damodharan

For respondent : Mr. Shanmugarajeswaran,
Gov. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.06.2020 for the offences punishable under Sections 341, 397, 392 IPC r/w. Section 259(1-B) (b) Arms Act 1959 in Crime No.1349 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.06.2020, when the defacto complainant was on the way to his work, the accused had come in white colour Mahendra car and way laid the defacto complainant and threatened him with weapon and robbed a sum of Rs.1000/- from him.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and this case has been foisted against him due to political animosity. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.1000/- and no previous case is pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, 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, Nanilam, within 15 days from the date of lifting of the lockdown and 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 surtey bond and the learned Magistrate may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30. a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar in anture.

(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 SCW5560.

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

6. With the above directions, the Criminal Original Petition is ordered.

-sd/-
09/07/2020

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,
NANILAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.10310/2020

Date :09/07/2020

cs 07/08/2020

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