

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2020

CORAM :

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

CrI.O.P.No.10540 of 2020

Jayaprakash @ Pallu Jayaprakash

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Tiruvarur Town Police Station
Tiruvarur District
(Cr.No.1409 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1409 of 2020 on the file of the respondent Police.

For Petitioner : Mr.N. Palanivel

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

O R D E R

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.06.2020 for the offence punishable under Sections 294(b), 392 and 397 of IPC, in Crime No.1409 of 2020, seeks bail.

2.The case of the prosecution is that on 21.06.2020, the petitioner along with other persons, waylaid the defacto complainant and by brandishing knife robbed Rs.200/- from him. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent. Since, he violated the lock down restriction, a false case has been registered against him and that the petitioner has been in judicial custody from 21.06.2020 and co-accused has been released on bail vide Court order dated 06.07.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate submitted that on 21.06.2020 at about 9 a.m., the petitioner along with other persons, waylaid the defacto complainant and robbed Rs.200/- from him by brandishing knife. He would further submit that the petitioner is already accused in another case in crime No.100 of 2016. Hence, he opposed for the grant of bail.

5. Considering the above facts and circumstances of the case and considering the period of incarceration by the petitioner from 21.06.2020, 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 their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their 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, Thiruvavarur, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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/-
14/07/2020

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, THIRUVARUR DISTRICT.

2 THE OFFICER INCHARGE
SUB JAIL, MANNARGUDI, THIRUVARUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
TIRUVARUR DISTRICT.

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

CRL OP.10540/2020

Date :14/07/2020

cs 17/08/2020

WEB COPY