

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2020

CORAM :

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

Crl.O.P.No.10647 of 2020

R.Ramki

... Petitioner

Vs.

The State, represented by
Inspector of Police
M-5, Ennore Police Station
Chennai 600 057
(Crime No.2155 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.2155 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.06.2020 for the offences punishable under Section 341, 294 (b), 397 and 506(ii) IPC, in Crime No.2155 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 24.06.2020, when the defacto complainant was walking towards the market, the petitioner along with one Vignesh, waylaid him by showing knife and took away a sum of Rs.650/-. Hence, he was arrested on 24.06.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has already been involved in two previous cases. One case registered by the Thiruporur Police Station and another by Ennore Police Station. Hence, a false case has been foisted against the petitioner for statistical purpose, based on which, the petitioner was arrested. He would further submit that the petitioner was regularly appearing before the Trial Court and he is

prepared to abide by any stringent conditions to be imposed by this Court. He would further submit that the co-accused in this case has been granted bail by the Trial Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.650/-. He would further submit that the petitioner is involved in two previous cases, one is registered at the Ennore Police Station and another one is registered at the Thiruporur Police Station for the offences under Section 302 IPC. He would further submit that the same is pending in P.R.C.No.15 of 2020, before the learned Judicial Magistrate-I, Chengalpet.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner was regularly appearing before the learned Judicial Magistrate No.1, Chengalpet.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the petitioner is in custody from 24.06.2020, 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 condition to execute 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the Judicial Magistrate Court, Thiruvottiur, 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 5.30 p.m. until further orders.**

(e)**The petitioner shall ensure that he appears before the learned Judicial Magistrate No.1, Chengalpet for the committal proceedings in P.R.C.No.15 of 2020 and shall cooperate with the Trial proceedings.**

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

20/07/2020

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,
THIRUVOTTIYUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, CHENGALPET.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

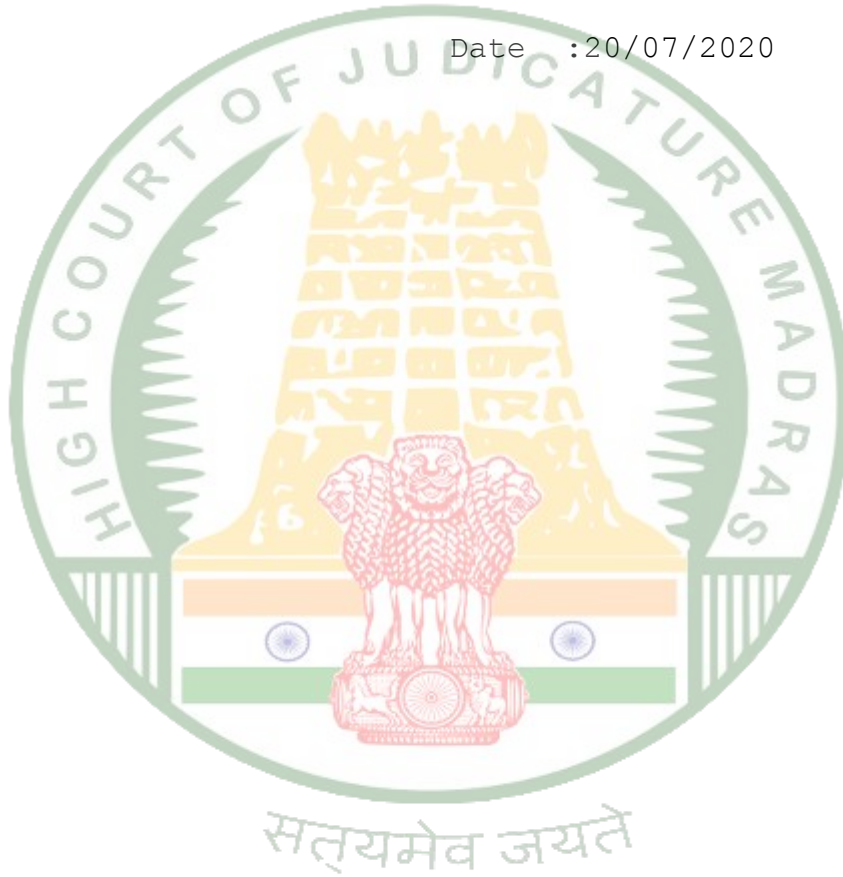
6 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI 600 057.

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

CRL OP.10647/2020

Date :20/07/2020

MK:17/08/2020



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