

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2020

CORAM :

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

CrI.O.P.No.10665 of 2020

Saravanan

... Petitioner

Vs.

State rep. by

The Inspector of Police
Sholavaram Police Station
Tiruvallur District
(Crime No.3397 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.3397 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 392, 397 IPC, in Crime No.3397 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused waylaid the defacto complainant by threatening him with knife and robbed a sum of Rs.700/-.

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 on the same day of occurrence, two other cases were foisted against the petitioner as if he committed theft of two wheeler and he was arrested. He would further submit that the Trial Court has granted bail to him in the two cases in C.M.P.No.1859 & 1860 of 2020 dated 03.07.2020. He would submit that the present case has been registered with an intention to invoke Act 14. However it has been dropped.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner had committed theft of motor cycles and the same were registered in Crime No.2615 of 2020 and Crime No.2299 of 2020. He would further submit that on the same day, the petitioner along with other accused waylaid the defacto complainant and threatened him with knife and robbed a sum of Rs.700/-.

5.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) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Ponneri, 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 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/-
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 NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, THIRUVALLUR.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

MK:17/08/2020

CRL OP.10665/2020

Date :20/07/2020

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