



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10838 of 2020

Bala @ Yuvaraj

.... Petitioner

[*]S/o.Arivazhagan @ Selvam

-Vs-

The State Represented by
Inspector of Police,
M-5, Ennore Police Station,
Chennai-600 057.
(Crime No.1643 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.1643 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 14.06.2020, for the offences punishable under Sections 341, 294(b), 397 and 506(ii) of IPC, in Crime No.1643 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the *de facto* complainant, threatened him with knife and taken away a sum of Rs.900/- from him.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that since the petitioner has 4 previous cases, the present case has been filed for the statistical purpose. Hence, he prays for a grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused waylaid the *de facto* complainant, threatened him with knife and taken away a sum of Rs.900/- from him. Hence, he vehemently opposed to grant bail to the petitioner.

5.Taking into consideration of 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) each, before the Superintendent of the concerned prison, in which the petitioner have 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, Thiruvottiyur, within 15 days from the date of lifting of the 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 every day at 10.30.am 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.

WEB COPY

-sd/-
22/07/2020

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.

[*]Petitioner's Father Name is amended as per order of this Court dated 31/07/2020 made in CRL.MP.NO.4621 OF 2020 IN CRL.OP.NO.10838 OF 2020

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 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.10838/2020

Date :22/07/2020

MK:20/08/2020

MK:03/09/2020