

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10986 of 2020

Silambarasan

... Petitioner

Vs.

The State, represented by
The Sub Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
Cr. No.1236 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail pending investigation in
Crime No.1236 of 2020 on the file of the Sub-Inspector of police,
Kadaladi Police Station, Tiruvannamalai District.

For Petitioner : Mr.V.Prakash Babu

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 07.06.2020 for the offences punishable under Section 392 of IPC in
Crime No.1236 of 2020 on the file of the respondent police, seeks
bail.

2. The case of the prosecution is that on 04.06.2020 at about
8.30 p.m. while the defacto complainant who was going to a hotel in
Kanji Village, the petitioner had demanded Rs.50/- from the defacto
complainant and took him in his motor cycle to a petrol bunk, for
buying petrol. While, on the way they were nearing Kanji Girls
School, the petitioner threatened the defacto complainant and at the
same time the other accused, who were in the other motor cycle and
the friends of the petitioner came to the place and threatened the
defacto complainant by brandishing a knife and taken away Rs.600/-
and a Oppo Cell Phone from him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and a case has been registered
against him for statistical purpose. He would further submit that the
co-accused has been granted bail by this Court in Crl.O.P.No.9133 of
2020 dated 30.06.2020. Hence, he seeks to grant bail to the
petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had waylaid the defacto complainant and threatened him by brandishing a knife and taken away an amount of Rs.600/- and also a Oppo Cell Phone from him. He would further submit that investigation is completed and a final report has been filed before Judicial Magistrate, Kalasapakkam and a case has been taken on file in PRC No.3 of 2020. However, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and that investigation has been completed and the final report has been filed and also of the fact that the co-accused has been granted bail, 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 The learned Judicial Magistrate, Kalasapakkam, within 15 days from the date of lifting of the lock down and the 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter report before the Judicial Magistrate, Kalasapakkam on first working day of every month after lifting the lock down, 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/-

23/07/2020

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,
KALASAPAKKAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB INSPECTOR OF POLICE,
KADALADI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.V.PRAKASH BABU, Advocate on payment of necessary charges

CRL OP.10986/2020

सत्यमेव जयते Date : 23/07/2020

RVR 08/09/2020

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