

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11738 of 2020

K.Muthukumaran

... Petitioner

Vs.

State by

The Inspector of Police

Neyveli Town Ship Police Station

Neyvelli Taluk, Cuddalore District

(Crime No.625 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.625 of 2020, pending investigation on the file of the Neyveli Township Police Station.

For Petitioner : Mr.S.Ravi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 03.07.2020 for the offences punishable under Section 392 IPC, in Crime No.625 of 2020, seeks bail.

2.The case of the prosecution is that on 01.07.2020 the petitioner under the guise of offering lift to the victim, took him in his two wheeler to a secluded place and robbed a sum of Rs.2,000/-.

3.The learned counsel appearing for the petitioner would submit that reading of F.I.R. would show the artificiality of the case registered against the petitioner. He would further submit that it is proved very clearly that it is a foisted one. The very same day, the petitioner has also stated to have snatched valuables from the victim by threatening him. The petitioner is languishing in jail from 03.07.2020.

4.The learned Government Advocate (Criminal Side) would submit that it is a Modus operandi of offering lift to the elderly persons and relieve them of their valuables under threat. One more case is also registered against the petitioner on the same day for the same offence.

5. Taking into consideration of the facts and circumstances that both the cases are registered on the same day and there is no other 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 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), before the learned District Munsif / The Judicial Magistrate, Neyveli, Cuddalore District, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 direction, the Criminal Original Petition is ordered.

-sd/-

06/08/2020

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 DISTRICT MUNSIF/THE
JUDICIAL MAGISTRATE, NEYVELI,
CUDDALORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
NEYVELI TOWN SHIP POLICE STATION,
NEYVELI TALUK, CUDDALORE DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, VIRUTHACHALAM,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

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

सत्यमेव जयते

CRL OP.11738/2020

Date : 06/08/2020

RVR 14/09/2020

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