

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11019 of 2020

V.Selvam

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.3397 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3397 of 2020, on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioner : Mr.P.Chandra Sekar

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 Sections 392 & 397 of IPC in Crime No. 3397 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner and other accused have abused the defacto complainant in filthy language and also try to assault the defacto complainant and thereafter robbed a sum of Rs.700/- from the defacto complainant at knife point. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case for statistical purpose since the petitioner was earlier falsely implicated two cases of theft of two wheelers. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are totally four accused and the petitioner is arrayed as second accused and that there are two previous cases pending against the petitioner on committing theft of two wheelers. Hence, he opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to appear before the respondent police twice everyday.

6 Taking into consideration of the facts and submissions made by the learned counsel and also considering the fact that the petitioner is in jail 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 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, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Ponneri, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning, which ever 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 a.m., and 05.30 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.

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

-sd/-
30/07/2020

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S. P.CHANDRA SEKAR Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.11019/2020
Date :30/07/2020

cs 28/08/2020