

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11433 of 2020

Ranjith Kumar @ Katta Ranjith

...Petitioner/Accused-1

VS

State, rep. by

The Inspector of Police,

Minjur Police Station,

Tiruvallur District

Crime No. 3034 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3034 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyas

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 11.07.2020 for the offences punishable under Section 399 of I.P.C, seeks bail.

2 The case of the prosecution as per the defacto complainant Marimuthu is that on 11.07.2020, while he along with his police party on regular raid, they had seen the petitioner along with other accused making preparation for committing robbery. Hence the complaint.

3 The learned counsel appearing for the petitioner submitted that the the petitioner is innocent person and he has been falsely implicated in this case. He further submitted that the case is filed only for statistical purpose since, the respondent has already filed a case against him and only to put fetters, a false case has been foisted against the petitioner. He further submitted that the petitioner's mother is affected by COVID-19 and the wife of the petitioner is in the advanced stage of pregnancy. He also submitted that the petitioner is in judicial custody from 11.07.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused was making preparation for committing the offence. He would, on instructions from the respondent police, submit that the mother of the petitioner is affected by COVID-19 and the wife of the petitioner is in the advanced stage of pregnancy. However, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner, 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), before the learned Judicial Magistrate No.II, Poonneri, 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 every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
31/07/2020

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, POONNERI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

सत्यमेव जयते

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CRL OP.11433/2020
Date :31/07/2020

cs 02/09/2020