

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

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

Crl.O.P.No.11460 of 2020

S.Sowndhar

... Petitioner

Vs.

State Rep. By The Inspector of Police  
Vishnu Kanchi Police Station  
Kancheepuram District  
(Crime No.2691 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.2691 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.K.Munusamy

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 26.06.2020 for the offences punishable under Section 294(b), 397, 307 and 506 (ii) IPC, in Crime No.2691 of 2020, seeks bail.

2.The case of the prosecution is that on 26.06.2020 at about 9.30 a.m. the petitioner along with other accused went to the Biriyani shop of the defacto complainant and demanded money by showing knife and robbed a sum of Rs.280/- from his pocket.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that he is not involved, since the petitioner is involved in two other cases, a false case has been foisted against him. He would further submit that the defacto complainant had sworn an affidavit before the notary stating that he has not given such a complaint to the respondent police and that on compulsion by the respondent he has signed in a blank sheet.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused robbed a sum of Rs.280/- from the pocket of the defacto complainant at knife point. He would further submit investigation is pending. He would further submit that A1 has been released on bail by the Sessions Court.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also 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) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.1 at Kancheepuram, 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 everyday at 10.30 a.m. and 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 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 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.I, KANCHEEPURAM.

2 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
VISHNU KANCHI POLICE STATION,  
KANCHEEPURAM DISTRICT.

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

CRL OP.11460/2020

Date :31/07/2020

cs 02/09/2020

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