

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.Nos.11615 and 11616 of 2020

Chandra @ Chandran ... Petitioner in Crl.OP.No.11615/2020

Siva @ Pisuru Siva ...Petitioner ini Crl.OP.No.11616/2020

Vs.

State, represented by
The Inspector of Police
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No.1867 of 2020)

... Respondent in both Crl.O.Ps

PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in crime No.1867 of 2020 on the file of the respondent police.

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 petitioners, who were arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under Section 397 of IPC in Crime No.1867 of 2020 seek bail.

2. The case of the prosecution as per the defacto complainant Giribabu is that on 14.05.2020, the petitioners along with three other accused, waylaid the defacto complainant, abused him with filthy language and robbed cash of Rs.10,000/- at knife point. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners have been in judicial custody from 15.05.2020. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner in Crl.O.P.No.11615 of 2020 is arrayed as A4 and there are nine previous cases pending against him and the petitioner in Crl.O.P.No.11616 of 2020 is arrayed as A3 and that there are four previous cases pending against him. Hence, he vehemently opposed for the grant of bail to the petitioners.

5. At this juncture, the learned Counsel for the petitioners would submit that since there are previous cases against the petitioners, in order to fetter them during Covid period, the respondent has foisted this case on them. He would further submit that the petitioners are prepared to abide by any stringent conditions imposed by this Court.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-II, Ponneri, 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 petitioners shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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/-

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CrI.O.P.Nos.11615 and 11616 of 2020

Date :06/08/2020

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RVR 14/09/2020