

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.11629 of 2020

1.Muthukrishnan
2.Keerthi

... Petitioner

Vs.

The Inspector of Police
Saravanampatty Police Station,
Coimbatore District.
(Crime No.1261 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.1261 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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 20.06.2020 for the offences punishable under Sections 75(1)(C) of TN City Police Act, 147, 148, 323, 397 and 506(ii) of IPC in Crime No.1261 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Maniraj is that on 26.05.2020, while he and his friends were gambling near a temple, nine named accused along with five others abused them with filthy language and threatened them with knife and further assaulted them in hands and taken away cash of Rs.3.5 lakhs which was kept for the purpose of gambling. 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 names did not found place in the FIR and that there is no previous case against them. He would further submit that the petitioners have been in judicial custody from 20.06.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners are members of the gang and that on 26.05.2020, the have robbed the amount of Rs.3.5 lakhs from the defacto complainant and his friends who were gambling near a temple. He would submit that the bail application in respect of the co-accused has been dismissed vide Crl.O.P.No.1083 of 2020 dated. 20.07.2020. Hence, he opposed for the grant of bail to the petitioners.

5. At this juncture, the learned Counsel for the petitioners would submit that the bail application in respect of the co-accused was dismissed on the ground that he had previous case of similar nature. He would reiterate that the names of the petitioners are not found place in the FIR and they do not have bad antecedents.

5.Taking into consideration of the facts and circumstances, the submissions made by the learned counsels and the fact that the petitioners' names are not found place in the FIR and there is no previous case against them and also 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, Coimbatore, 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 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/-

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, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
SARAVANAMPATTY POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

WEB COPY

CRL OP.11629/2020

Date :06/08/2020

RVR 14/09/2020