

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11688 of 2020

R.Arunachalam

.... Petitioner

-Vs-

State by Inspector of Police,
H1 Washermanpet Police Station,
Old Washermanpet, Chennai.
(Crime No. 4666 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.4666 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Janarthanam

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 21.07.2020, for the offences punishable under Sections 399 and 402 of IPC, in Crime No.4666 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Sub Inspector of Police is that the petitioner along with the other accused was found making preparation to commit robbery.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner, on 21.07.2020 was taken into custody by the respondent police from his residence and thereafter, he has been implicated in this false case. He would further submit that the petitioner is a business man and also an Income Tax Assessee and that the petitioner is languishing jail from 21.07.2020.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused was found making preparation for committing robbery. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, 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) each, 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) each, before the learned XV Metropolitan Magistrate, George Town, Chennai, within 15 days from the date of lifting of the 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 10.30.am 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.

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

-sd/-

05/08/2020

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
H1 WASHHERMANPET POLICE STATION,
OLD WASHHERMANPET, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.11688/2020

Date :05/08/2020

RVR 11/09/2020

WEB COPY