

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

Crl.O.P.No.11895 of 2020

G.Vijay

... Petitioner

Vs.

State by:

.... Respondent

The Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.986 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.986 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R. Nalliyappan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.06.2020 for the offences punishable under Section 395, 397 and 506 (ii) IPC, in Crime No.986 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Saravanan is that on 18.06.2020 when he was on his way to his house, the accused had waylaid him by threatening with Aruval and beating him with hands and committed robbery of two cell phones from him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 20 years and he is an innocent person and that due to some other dispute, he has been falsely implicated in this case. He would submit that mere reading of FIR would show that this case was foisted for the purpose of invoking Act 14 against the petitioner. He would further submit that all the other

accused in this case have been arrested and that the robbed cell phones have been recovered from them. Hence, he prays that considering the age of the petitioner, he may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused had waylaid the defacto complainant by assaulting him with hands and knife and had snatched two of his cell phones, due to which, the victim sustained injuries and has also lost his teeth. He would further submit that there is no previous case pending against the petitioner. However, he opposed for the grant of bail to the petitioner.

Heard the counsels. Perused the F.I.R.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the age of the petitioner and also considering the fact that there is no previous case pending against him, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(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) each**, before the learned Judicial Magistrate No.II, Salem, **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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the Respondent Police Station every day at 10.30 a.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 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/-

13/08/2020

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,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALME DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.11895/2020

Date :13/08/2020

TA-08/09/2020