

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

CrI.O.P.No.11974 of 2020

Honest @ Honest Raj

... Petitioner

Vs.

The State Represented by,  
The Inspector of Police,  
Needamangalam Police Station,  
Thiruvarur District.  
(Crime No.78 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.78 of 2017, on the file of the respondent police.

For Petitioner : Mr. S. Nambirajan

For Respondent : Mr. T. Shunmugarajeswaran  
Government Advocate (CrI. 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 19.05.2017 for the offences punishable under Sections 392 and 397 IPC, in Crime No.78 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 07.05.2014, the petitioner along with 3 other accused persons have waylaid the defacto complainant who is the Manager of TASMAG and taken away an amount of Rs.3 lakhs from him. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner was arrested on 19.05.2017 and he has been in judicial custody since then and that the co-accused in this case have granted bail. He would further submit that the investigation is completed and charge sheet has been filed and the same has been taken on file in S.C.No.123 of 2017. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with 3 other persons have committed robbery of Rs.3 lakhs from one Tamilselvan who is the Manager of TASMAL. He would further submit that co-accused in this case have been enlarged on bail and out of the robbed amount of Rs.3 lakhs, only Rs.68,000/- has been recovered and an Auto Rickshaw was recovered from the petitioner. He further submitted that apart from this case, the petitioner has got one case for offence under Sections 380 and 427 of IPC and yet another case for Section 71(A) of Criminal Law Amendment Act and Section 26(2) of the Arms Act. He would submit that there are totally 18 witnesses in this case and 12 witnesses have been examined and that L.W.13 to L.W.18 who are the official witnesses remains to be examined. Hence, he opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels and the fact that final report has been filed and the same has been taken on file in S.C.No.123 of 2017 and considering the period of incarceration undergone by the petitioner from 19.05.2017, this Court is inclined to grant bail to the petitioner.

(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, out of which, one surety shall be a blood relative**, before the learned Sub Judge, Mannargudi, Thiruvarur District, **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 appear before the Sub Judge, Mannargudi, Thiruvarur District every day at 10.30 a.m., and shall report before the Respondent Police everyday at 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 2<sup>nd</sup> petitioner in accordance with law as if the conditions have been imposed and the 2<sup>nd</sup> 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 direction, this Criminal Original Petition is ordered accordingly.

-sd/-  
17/08/2020

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 SUB JUDGE,  
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
NEEDAMANGALAM POLICE STATION,  
THIRUVARUR DISTRICT

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

CRL OP.11974/2020

Date :17/08/2020