

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 12395 of 2020

T.Vijayakumar

... Petitioner

Vs.

The State represented by,

The Inspector of Police,

B2, R.S.Puram (Crime) Police Station,
Coimbatore.

(Crime No.910 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner in Crime No.910 of 2020, pending on the file of the Inspector of Police, B2, R.S.Puram (Crime) Police Station, Coimbatore.

For Petitioner : Mr.A.Rajeswari

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 06.07.2020 for the offences punishable under Section 380 and 511 IPC in Crime No. 910 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant/Manager of the Bank is that on 04.07.2020 the petitioner had attempted to break open the ATM machine and commit theft of cash. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that the petitioner is an alcoholic and that on 04.07.2020 he had gone to the ATM centre. Since there was some malfunction in the ATM machine and being an alcoholic, he got enraged and had kicked the machine and that a false complaint has been given as if, he attempted to steal the money from the ATM machine by breaking it open. He would further submit that there is no previous case.

Hence, he seeks for grant of bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had entered into the ATM booth and attempted to break open the ATM machine and steal the cash from it. He would further submit that the act of the petitioner has been recorded in the CCTV footage. He would also submit that there is no previous case as against the petitioner. However, he opposed for the grant of bail to the petitioner.

5 Taking into consideration the facts of the case and submission made by the learned counsel, 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), 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-I, Coimbatore, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, 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 everyday at 10.30 a.m., and 05.30 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 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/-
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 JUDICIAL MAGISTRATE NO.I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE OFFICER INCHARGE,
SUB-JAIL, GOBICHETTIPALAYAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
B2,R.S.PURAM(CRIME)POLICE STATION,
COIMBATORE.

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

MK:02/09/2020

CRL OP.12395/2020

Date :17/08/2020

WEB COPY