

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.12290 of 2020

Senthilkumar

.. Petitioner

/versus/

State Represented by,
Inspector of Police,
Selvapuram P.S.,
Coimbatore.
Crime No.1368 of 2020

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to grant bail to the petitioner in Crime No.1368 of 2020 on the file of the Selvapuram Police Station, Coimbatore.

For Petitioner : Mr.S.Sumathy

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2020 for the offence punishable under Sections 399 of IPC and Section 27(1) of the Arms Act, 1959 in Crime No.1368 of 2020 on the file

of the respondent police, seeks bail.

2.The case as projected by the prosecution is that on 21.06.2020 at about 02.00 a.m., when the Sub Inspector of Police along with other police personnels attached to the respondent Police were on patrol duty, got an information that near the thorny bush and in front of Peacock garden, Ukkadam bye-pass road, few members were planning to commit robbery in a house in Ashok Nagar. On seeing the patrol team, the petitioner/A1 along with four other accused were attempted to escape from there. When the police attempted to secure them, the accused were threatened the police team by showing knife. Thereafter, the police team caught up the accused, recovered the weapons and lodged them in jail. During enquiry, it came to light that the accused were involved in other cases in several police stations. Hence, the respondent Police registered a case in Crime No.1368 of 2020.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and falsely implicated in this case. He further submitted that the co-accused/A3 was ordered to be released on bail by the learned Principal District and Sessions Judge, Coimbatore in

C.M.P.No.2075 of 2020 on 28.07.2020. The petitioner is no way connected with the offence as alleged by the prosecution and he is in judicial custody from 21.06.2020. Hence, he prayed this Court to release the petitioner on bail.

4.The learned Additional Public Prosecutor submitted that the petitioner along with four other accused were in possession of deadly weapon and planned to commit robbery in one house which is situated at Ashok Nagar near Peacock garden, Ukkadam bye-pass road. On secret information, the defacto complainant Sub Inspector of Police, Selvapuram Station along with other police personnels went to the place of occurrence and secured all the accused and remanded to Police custody. He further submitted that as many as 14 against the petitioner, of which 8 cases ended in acquittal and one case closed as Further Action Dropped and one case bound over 5 cases pending trial. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances and the petitioner is on bail in other cases and also considering the period of incarceration, this Court is

inclined to grant bail to the petitioner, subject to the following conditions:-

(a)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 on his release;

(b)the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation, except on the date of hearing which he is required in other cases.

(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.

01.09.2020

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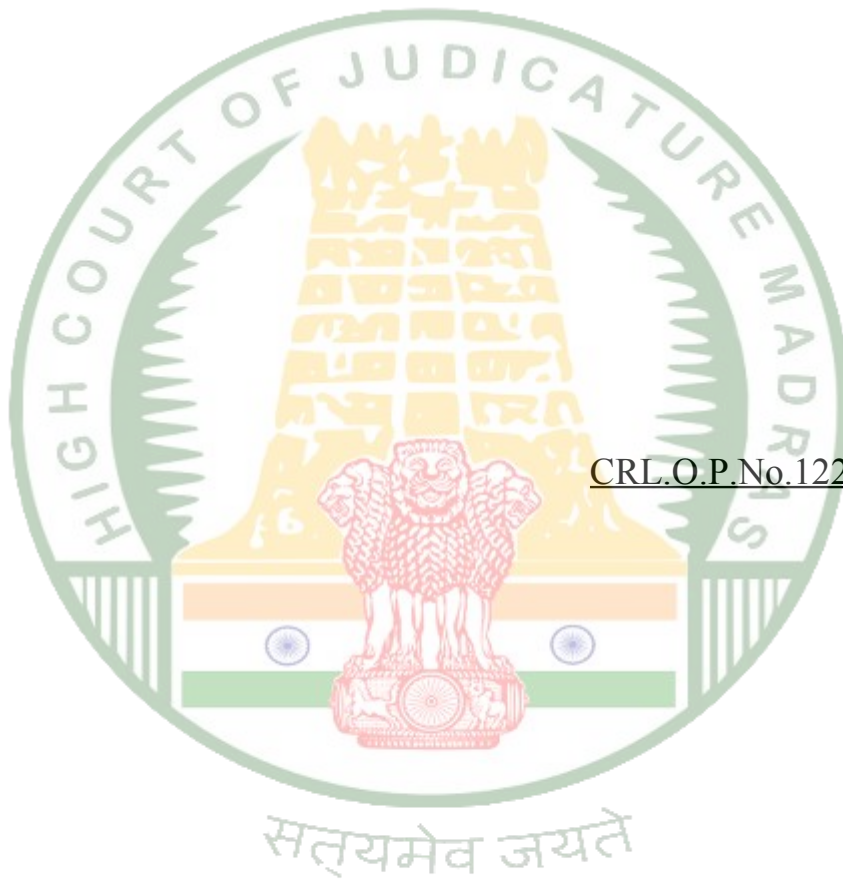
- 1.The Judicial Magistrate,
Coimbatore.
- 2.The Superintendent, Central Prison,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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