

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12569 of 2020

Senthil Kumar

... Petitioner

Vs.

The State rep. by its
The Inspector of Police
Koradachery Police Station
Tiruvarur
(Crime No.1282 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.1282 of 2020 on the file of the Respondent police.

For Petitioner : Mr.D.Padmanabhan

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 25.07.2020 for the offences punishable under Section 341, 294(b), 392, 397, 506(ii) IPC, in Crime No.1282 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 24.07.2020, while he was returning from Tiruvarur in his two wheeler, the petitioner waylaid the defacto complainant and threatened him by brandishing knife and robbed a sum of Rs.450/- from him. When the people around attempted to apprehended him, he threatened them and ran away.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that the earlier case was registered for the offence under Section 307 IPC and this case has been foisted against him in order to detain the petitioner under Act 14. He would further submit that mere reading of F.I.R. would clearly show that they have foisted this case only to detain him under Act 14.

He would further submit that except the earlier case for offence under Section 307 IPC, the petitioner is not facing any cases. He would further submit that the petitioner is in custody from 25.07.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had waylaid the defacto complainant and robbed a sum of Rs.450/- from him.

5.Heard both sides and perused F.I.R.

6.Taking into consideration of the facts and circumstances, and also taking into consideration of the period of incarceration suffered by the petitioner from 25.07.2020, 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 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 **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier** and execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate, Thiruvarur, 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 on his release from prison, shall report before the respondent police day everyday at 10.30 a.m. and 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 petitioners in accordance with law as if the conditions

have been imposed and the petitioners 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.

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

-sd/-
21/08/2020

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,
THIRUVARUR.

2 THE OFFICER INCHARGE,
SUB-JAIL, MANNARGUDI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
TIRUVARUR.

+1 CC to D.PADMANABHAN Advocate on payment of necessary charges
SR.NO. 5991

WEB COPY

CRL OP.12569/2020

Date :21/08/2020

MN-25/08/2020