

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2020

CORAM :

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

CrI.O.P.No.13074 of 2020

Madhan @ Madhan Raja

... Petitioner

Vs.

State Represented by
The Inspector of Police
Nazarethpet Police Station
Chennai City
(Crime No.675 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.675 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.M.Rahamath Ali

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 02.08.2020, for the offences punishable under Section 341, 294(b), 336, 427, 392, 397 and 506(ii) IPC, in Crime No.675 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner along with A1 waylaid the defacto complainant and robbed a sum of Rs.1,000/- .

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that in order to detain A1 under Act 14, the respondent police have foisted this as a ground case. He would further submit that the petitioner is a student and is studying B.Sc. Radiology in MGR Medical University.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with A1, the main accused waylaid the defacto complainant and threatened him by brandishing knife and robbed a sum of Rs.1,000/-, when the public tried to apprehended them, they created ruckus in that area. He would also submit that A1 in this case has been detained under Act 14.

5.Heard the learned counsel on either side and perused F.I.R.

6.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner, 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) Thereafter, 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) each, out of which, one surety should be a blood surety, before the learned Judicial Magistrate, No.I, Poonamallee, 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 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 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

(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/-
27/08/2020

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, POONAMALLEE.

2 THE OFFICER INCHARGE
SUB JAIL, CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAZARETHPET POLICE STATION,
CHENNAI CITY.

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

WEB COPY

CRL OP.13074/2020

Date :27/08/2020

cs 08/09/2020