

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2020

CORAM :

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

Crl.O.P.No.12973 of 2020

1.Anandraj
2.Victor Lawrence

...Petitioners

Vs.

State Inspector of Police
T7, Tank Factory Police Station
Chennai
(Crime No.448 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.448 of 2020 on the file of Respondent.

For Petitioners : Mr.S.Senthil Vel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 27.07.2020 for the offences punishable under Section 341, 294(b), 397, 336, 427 and 506(2) IPC, in Crime No.448 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant Moitheen is that on 27.07.2020 at about 8.00 a.m. when he was proceeding to the Avadi Kollumedu Redhills Main Road in his motor cycle, three persons waylaid him and threatened him at knife point and robbed a sum of Rs.950/- from him.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the reading of F.I.R. would clearly show that this is a foisted case for the purpose of making it a ground case to detain A1 under Act 14. He would further submit that as far as these petitioners are concerned, they have got no previous cases against them. He would further submit that the petitioners were arrested on 27.07.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused waylaid the defacto complainant and robbed a sum of Rs.950/- at knife point. He would further submit that A1 in this case has been detained under Act 14. He would further submit as per the instructions of Mr.Nataraj, Inspector, there are no previous cases against these petitioners.

5.Heard the learned counsels on either side. Perused F.I.R.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also taking into consideration of the fact that the petitioners are suffering incarceration from 27.07.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) Thereafter, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Ambattur, 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 Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners on their release from prison, shall report before the respondent police everyday at 10:30 a.m until further orders.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-
26/08/2020

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,
AMBATTUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL-II, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T7 TANK FACTORY POLICE STATION,
CHENNAI.

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

WEB COPY

CRL OP.12973/2020

Date :26/08/2020

cs 08/09/2020