

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2020

CORAM :

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

CrI.O.P.No.13082 of 2020

Madhan @ Madhanagopal

... Petitioner

Vs.

State of Tamil Nadu ... Respondent
Represented by its
The Inspector of Police
M-2, Madhavaram Milk Colony Police Station
Madhavaram, Chennai 600 051
(Crime No.2606 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.2606 of 2020.

For Petitioner : Mr.B.Kalaiarasan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.08.2020 for the offences punishable under **Section 397 IPC, in Crime No.2606 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Murugesan is that he is a lorry driver and while he stopped the lorry on his way to have some tea, the petitioner / A1, along with two other accused came in an auto and threatened him with knife point and robbed a sum of Rs.3,900/- and also his cell phone.

3.The learned counsel appearing for the petitioner would submit that the petitioner is A1 in this case. He would further submit that the petitioner has been granted bail in other cases. He would further submit that the petitioner's wife is in the advanced stage of pregnancy. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is A1 against whom there are three previous cases. He would further submit on instructions that the petitioner's wife is in the advanced stage of pregnancy.

5.Taking into consideration of the facts and circumstances and 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)the petitioner shall **within a period of two weeks from the date of commencement of the Court's normal functioning**, execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each (sureties should be his parents)**, for a likesum to the satisfaction of the learned Judicial Magistrate, Madhavaram, Thiruvallur District, 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 on his release from prison, report before the respondent police 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 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/-
09/09/2020

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
MADHAVARAM, THIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-2, MADHAVARAM MILK COLONY POLICE STATION,
MADHAVARAM, CHENNAI-600 051.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.13082/2020

Date :09/09/2020

TA-14/09/2020

WEB COPY