IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2020

CORAM :

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

Crl.O.P.No.13087 of 2020

1.Deva @ Devaraj ... Petitioners
2.Arun

Vs.

State of Tamil Nadu ... Respondent
Represented by its
The Inspector of Police
M2, Madhavaram Milk Colony Police Station
Madhavaram, Chennai 600 051
(Crime No.2607 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail as against the case pending on the file of the respondent police in Crime No.2607 of 2020.

For Petitioners : Mr.R.Surendar Kumar

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under **Section 341, 294(b), 336, 427, 392, 397 and 506(ii) IPC, in Crime No.2607 of 2020**, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Balamurugan is that he is running a petty shop near the Toll plaza of 200 feet By-pass Road, and that on 04.08.2020 at about 8.30 am. the petitioners along with other accused came in an auto and threatened him with knife point and robbed a sum of Rs.1,600/- and also his ITEL cell phone.

3.The learned counsel appearing for the petitioners would submit that the petitioners are A2 & A3 in this case. He would further submit that the petitioners have been granted bail in other cases. He would further submit that the petitioners are prepared to abide by any stringent conditions that to be imposed by this Court.

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4.The learned Government Advocate (Criminal Side) would submit that the petitioners are A2 & A3. He would further submit that the petitioners along with other accused waylaid the defacto complainant and robbed a sum of Rs.1,600/- and his ITEL Cell phone at knife point.

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 petitioners, 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) before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b)the petitioners 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 their 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 petitioners shall on their release from prison, report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

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

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

(g) the petitioners 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];

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(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

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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,
M2 MADHAVRAM MILK COLONY POLICE STATION,
MADHAVARAM, CHENNAI-600051.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S. R.SURENDAR KUMAR Advocate on payment of necessary charges

CRL OP.13087/2020

Date :09/09/2020

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