

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.13084 of 2020

1.Deva @ Devaraj
2.Arun

... Petitioners

Vs.

State of Tamil Nadu
Represented by its
The Inspector of Police
M2, Madhavaram Milk Colony Police Station
Madhavaram, Chennai 600 051
(Crime No.2606 of 2020) Respondent

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.2606 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 03.08.2020 for the offences punishable under **Section 397 IPC, in Crime No.2606 of 2020**, on the file of the respondent police, seek 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 petitioners along with 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 petitioners would submit that the petitioners are A2 and A3 in this case. He would further submit that the petitioners have been granted bail in other case. He would further submit that the petitioners are 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 petitioners are A2 & A3. He would further submit that the petitioners along with other accused had waylaid the defacto complainant and robbed a sum of Rs.3,900/- and also his cell phone. He would further submit that the petitioners have one previous case of similar nature.

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 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 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 petitioners 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 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];

(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 MADHAVRAM MILK COLONY POLICE STATION,
MADHAVARAM, CHENNAI-600 051.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

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

CRL OP.13084/2020

Date :09/09/2020

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