

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13144 of 2020

Surya

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.

(*) (Crime No. 1200 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in **(*) (Crime No. 1200 of 2020)**, on the file of the respondent police.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 25.05.2020 for the offences punishable under Sections 341, 294(b), 392 and 397 of IPC in **(*) (Crime No. 1200 of 2020)** on the file of the respondent police, seeks bail.

2 The case of the prosecution is that on 25.05.2020, the petitioner has assaulted the defacto complainant and threatened with a weapon and had robbed an amount of Rs.2,000/- from the defacto complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, a false complaint has been given against him. He would submit that on 08.05.2020, the defacto complainant along with his friends had assaulted the petitioner over playing Carrom Board and had also assaulted his mother viz., Selvi and thereafter, two complaints were given by the petitioner before the respondent along with AR copy and no action have been taken. Belatedly, the respondent have colluded with the defacto complainant, who is a politically influenced person and registered two cases against the petitioner and also managed to detain him under goondas Act. He would submit that subsequently, the order of detention was revoked by the Government. He would submit that the petitioner is in judicial

custody from 25.05.2020 and till date charge sheet has not been filed.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had threatened the defacto complainant and robbed an amount of Rs.2,000/- from him. He would submit that the detention order has been revoked by the Government and that petitioner is in custody from 25.05.2020. He would further submit that there is one previous case pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel and also considering the fact that the petitioner is in jail from 25.05.2020, 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 executing 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 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Polur, 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 report before the respondent police everyday at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

(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/-

28/08/2020

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.

(*) BEING MENTION ORDERED, AS PER ORDER OF THIS COURT DATED 03/09/2020

TO

1 THE JUDICIAL MAGISTRATE,
POLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.13144/2020

Date :28/08/2020

RVR 01/09/2020

RVR 07/09/2020