

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.09.2020

CORAM :

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

Crl.O.P.No.13652 of 2020

Bharathi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
K1, Sembium Police Station,
Chennai.
Crime No.828/2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.828 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. B.Manimaran

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 07.08.2020 for the offences punishable under Sections 341, 294(b), 427, 392, 397 and 506(ii) IPC, in Crime No.828 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that he is running a grocery shop for the past 20 years and on 07.08.2020 at about 11 a.m. when the defacto complainant's wife was there in the shop, the petitioner came and asked for Rs.2,000/- and threatened that if the amount is not paid he will break the showcase glasses and when the defacto complainant's wife refused to give money, the petitioner brandished a knife and threatened her and caused damages to the showcase.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity between the petitioner and the defacto complainant. He is a person known to the defacto complainant and there was a financial dispute between them and a false complaint has been given against him. He would further submit that the petitioner is in custody for more than 27 days and he is a van driver and there is no other case to his credit.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is the known person to the defacto complainant and he demanded Rs.2,000/- from the wife of the defacto complainant and when she refused to pay the money, he had broken and damaged the property valuing Rs.20,000/-.

5. Heard both counsel and perused the FIR.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the fact that there is no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioner from 07.08.2020, 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 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned V Metropolitan Magistrate, Egmore, Chennai, 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 on his release from prison, shall report before the respondent police everyday at 10.30 a.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/-

03/09/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K1, SEMBIUM POLICE STATION,
CHENNAI,

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S. B.MANIMARAN Advocate on payment of necessary charges
Sr.6112

सत्यमेव जयते CRL OP.13652/2020

Date :03/09/2020

RVR 07/09/2020

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