

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

CRL.O.P.No.13700 of 2020

Dineshwaran

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Palladam Police Station,
(Crime No.1812 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.1812 of 2020 on the file of the respondent police.

For Petitioner : Mr.Nister Hakeem

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 16.07.2020 for the offence punishable under **Section 392 read with 397 of IPC, in Crime No.1812 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that he is having Ice shop and that on 16.07.2020 two persons had come to the shop in a two wheeler and one person had taken out the knife and declared that he is a rowdy from Ramanathapuram and his name is Dineshwaran and threatened him with knife and robbed a sum of Rs.500/- from him and that he had also created ruckus in that area due to which the traffic came to a standstill public ran helter-skelter, one Tamilselvan came along with him had taken the two wheeler and left the place. The defacto complainant further stated that they have created disturbance to the public order.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a resident of Theribogi Puduvalasai, Ramanathapuram, he had come to search a job during the pandemic period, the respondent police suspected him to be a person belong

to one particular group, arrested him. He would further submit that as far as this petitioner is concerned, he has no previous cases pending against him and the respondent police have implicated him falsely in several cases within few days. He would further submit that reading of F.I.R. would go to show that this case has been registered against him for the purpose of detaining him under Act 14. He would further submit that the petitioner was falsely implicated in two other cases also, one in Crime No.1811 of 2020 u/s.392 IPC, and another one in Crime No.669 of 2020 U/s.392 IPC. He would further submit that though the petitioner is stated to have been arrested in Crime No.1812 of 2020, it has been stated that the petitioner was arrested at 10.30 a.m. on 16.07.2020 at Trichy Main Road near Singanoor Junction and in Crime No.1811 of 2020 also it is stated that they have arrested the petitioner at 10.30 hours on 16.07.2020, at Palladam to Chettipalayam Road, behind Government K.Ayanpalam Middle School by the respondent police. It would show that the cases are foisted against the petitioner and the petitioner is unnecessarily kept in custody from 16.07.2020 for more than 70 days,

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner apart from these two cases, is involved in two other cases registered by the Keeranur Police Station in Crime No.669 of 2020 and by the Ramanathapuram Police Station in Crime No.481 of 2020.

5. Heard the learned counsel on either side and perused the material placed on record.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the typed set 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 petitioner is 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate Court, Palladam within a period of two weeks from the date of commencement of the Court's normal functioning**, 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/-
21/09/2020

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,
PALLADAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

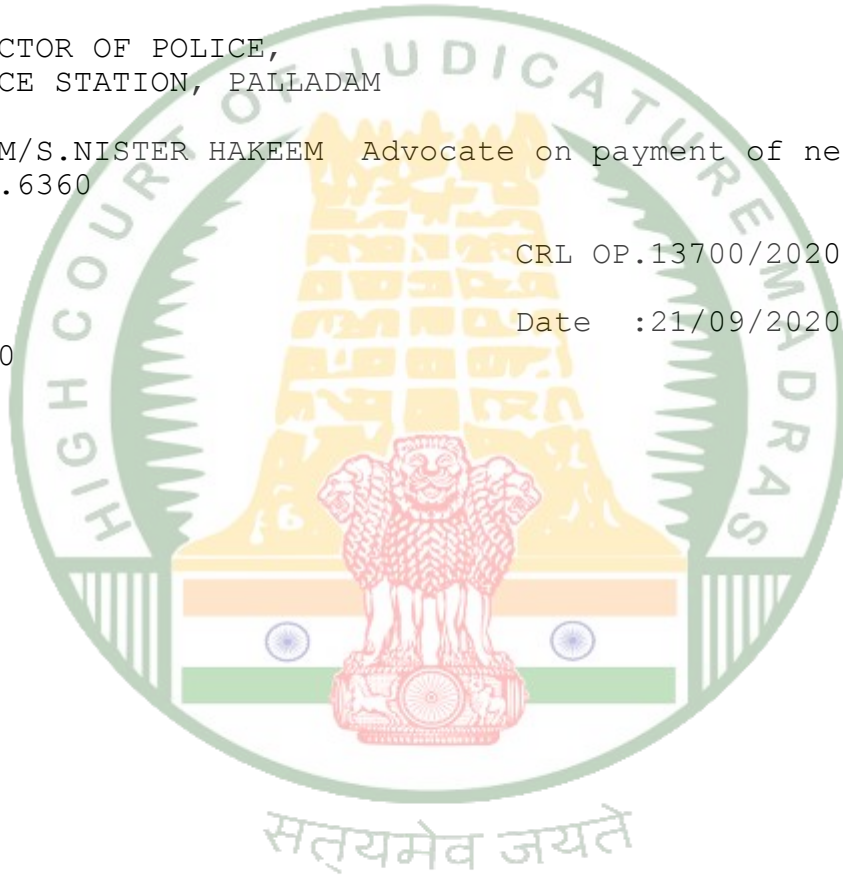
4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION, PALLADAM

+1 CC to M/S.NISTER HAKEEM Advocate on payment of necessary
charges SR.NO.6360

CRL OP.13700/2020

Date :21/09/2020

GKS:23/09/2020



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