

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

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

Crl.O.P.No.13871 of 2020

Ganesan S/o. Vetrivel

... Petitioner

Vs.

The State Rep. By
Sub Inspector of Police
Tiruvannamalai Town Police Station,
Tiruvannamalai,
Tiruvannamalai District. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3000 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.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 08.08.2020 for the offence punishable under Section 399 IPC, in Crime No.3000 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sundaresan, the Sub Inspector of Police is that on 08.08.2020 at about 1:00 p.m., when he was on his usual rounds along with his party, the petitioner along with other accused was found making preparation to commit robbery. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since, he had quarreled with the police. He would further submit that the petitioner has been suffering incarceration for the past 31 days from 08.08.2020. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused was making preparation to commit robbery and on seeking the police, the accused

tried to run away and they were apprehended by the respondent police. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 08.08.2020, 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;

(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 learned Judicial Magistrate-I, Tiruvannamalai, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 daily 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/-
07/09/2020

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,
NO.I, TIRUVANNAMALAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUVANNAMALAI

3 THE OFFICER INCHARGE
SUB-JAIL, TIRUVANNAMALAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SUB INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.B.JAWAHAR Advocate on payment of necessary charges
sr No. 6185

सत्यमेव जयते

CRL OP.13871/2020

RD 10/09/2020

Date : 07/09/2020

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