

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.13923 of 2020

DEEP @ SACHIN DEEPAK

... Petitioner

Vs.

State, represented by
The Inspector of Police
E-5, Sholavaram Police Station
Thiruvallur District
(Crime No.4563 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4563 of 2020 on the file of the respondent police.

For Petitioner : Ms.M.Sathyasai Eswari

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 30.07.2020 for the offences punishable under Section 392, 397 IPC, in Crime No.4563 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Pandiyan is that on 29.07.2020 at about 13.30 hours, while he was going towards Minjur to Vandalore By-Pass Road, the petitioner along with other accused waylaid him by declaring that they are the notorious persons in that area and threatened him at knife point and robbed a sum of Rs.4,500/- and also intimidated him.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. She would further submit that there are three previous cases against the petitioner, however, in order to put the petitioner under strings, a false case has been foisted against him and that the petitioner was arrested on 30.07.2020 and he is in custody for more than 35 days.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is A3, he along with other accused waylaid the defacto complainant and robbed a sum of Rs.4,500/- at knife point. He would further submit that the petitioner is a notorious offender against

whom there are three previous cases one before the same respondent and two other cases are before the Redhills Police Station.

5. Heard the learned counsels on either side. Perused the F.I.R.

6. Taking into consideration of the facts and circumstances, submissions made by the learned counsels and also considering the fact that the petitioner is in judicial custody for more than 35 days and also considering the period of incarceration suffered by the petitioner from 30.07.2020, 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 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 No.II, Ponneri, failing which, the bail granted by this Court shall stand dismissed automatically;

(b) 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;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.13923/2020

Date :09/09/2020

RVR 14/09/2020

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