

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.14019 of 2020

Manikandan

... Petitioner/3rd Accused

Vs.

The State Represented by,

The Sub-Inspector of Police,

Tiruvannamalai Town Crime Police Station,

Tiruvannamalai,

Tiruvannamalai District.

... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No. 217 of 2020, on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 08.08.2020, for the offence punishable under Section 399 of IPC, in Crime No. 217 of 2020, on the file of the respondent police seeks bail.

2 The case of the prosecution is that 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 person and he has been falsely implicated in this case since, he happens to be the friend of the other accused. He would submit that there is no previous case pending against the petitioner and that he is in custody from 08.08.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused had been found making preparation to commit robbery and on seeing police authority, they have ran away and the petitioner was apprehended from the spot. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel and that there is no previous case pending against the petitioner and considering the fact that the petitioner is in custody 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 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 execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Thiruvannamalai, from the 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 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/-
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.I,
THIRUVANNAMALAI.

2 THE SUPERINTENDENT,
SUB JAIL, TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN CRIME POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.B.JAWAHAR Advocate on payment of necessary charges SR NO.6187

CRL OP.14019/2020

Date :09/09/2020

MK:11/09/2020

WEB COPY