

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CRL.O.P.No.13978 of 2020

D.Suresh
S/o.Dilli

... Petitioner

Vs.

The State

The Inspector of Police,
Periyapalayam Police Station,
Tiruvallur-601 102.

(Crime No.2040 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.2040 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Bharath

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 12.08.2020, for the offence punishable under Sections 392 of IPC & Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss Act) 1992, in Crime No. 2040 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Vllepu Ramesh is that he is a lorry driver and that on 10.08.2020, he had load in his lorry bearing Reg.No.AP.30 X 2100 and while he was crossing near Uthukottai, a person who had come in an unregistered two wheeler had waylaid the lorry and had hurled stones on the windshield and when the defacto complainant got down from the lorry to question him, the accused had threatened him with knife and robbed a sum of Rs.5,000/- from him and escaped from the scene of occurrence, thereby, a complaint was given on 11.08.2020.

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 on 10.08.2020 while the petitioner was coming on the Puthur Salai, Uthukottai, the defacto complainant was driving his lorry in a rash and negligent manner and dashed on his two wheeler, due to which, wordy quarrel arose between them during which, the people around hurled stones on the lorry to stop the complainant, enraged by the same, the defacto complainant had given a false complaint against the petitioner as if he had robbed a sum of Rs.5,000/- from him. It can be clearly seen from the F.I.R. that the complainant had stated that the vehicle is an unregistered one, whereas the Registration Number of the petitioner's two wheeler TN 18 AV 4997 BAJAJ CT 100 was mentioned in the F.I.R. which would show that the case has been falsely foisted against the petitioner. He would further submit that the petitioner has no previous cases against him and he is in judicial custody from 12.08.2020.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner waylaid defacto complainant who is a lorry driver and threatened him at knife point and robbed a sum of Rs.5,000/- from him.

5.Heard the learned counsels on either side and also perused the F.I.R. It is seen from that the Vehicle Reg.No. TN 18 AV 4997 BAJAJ CT 100 is available in the F.I.R. and the complainant has stated in his complaint that the person came in an unregistered two wheeler.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the controversial statement given in the F.I.R., 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, Uthukottai and on further further conditions that;

(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 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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/-
15/09/2020

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,
UTHUKOTTAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
TIRUVALLUR 601 102

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

CRL OP.13978/2020

Date :15/09/2020

RD 16/09/2020