

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.13982 of 2020

Udaya @ Udaya Kumar

... Petitioner

Vs.

State rep. by

The Inspector of Police
Chromepet Police Station
Chengalpattu District
(Crime No.419 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.419 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Magesh

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 23.07.2020 for the offences punishable under Section 341, 294(b), 397, 506(ii) IPC and Section 3 TNPPDL Act, in Crime No.419 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Sudhakar is that while he was returning home from work, a person aged about 30 years, waylaid him, abused him in filthy language stating that he has gone to the jail after murdering several persons, threatened him and robbed a sum of Rs.3,000/- from him. On hearing the alarm of the defacto complainant, the people around attempted to apprehend the petitioner during which, the petitioner threatened all the people and went to the nearby petty shop and had taken the cool drinks bottle and hurled it towards them, thereby, the people around had to run helter-skelter for their safety.

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 there are five previous cases against the petitioner, however, during the Pandemic, in order to put the petitioner under strings, a false case has been foisted against him and that the petitioner was arrested on 23.07.2020 and he is in custody for more than 49 days. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on him by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is a notorious person against whom there are five previous cases and that on 23.07.2020, he waylaid the defacto complainant and robbed a sum of Rs.3,000/- and also hurled soda bottles on the people who came to apprehend him.

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 49 days and also considering the period of incarceration suffered by the petitioner from 23.07.2020, 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.I, Tambaram, 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.I, TAMBARAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHROMPET POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. D.MAGESH Advocate on payment of necessary charges

CRL OP.13982/2020

Date :09/09/2020

cs 14/09/2020