

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14151 of 2020

Ganesh

... Petitioner/A2

Vs.

The State Represented by,

The Inspector of Police,

Tiruvannamalai Town (Crime) Police Station,

Tiruvannamalai District.

(Crime No. 217 of 2020)

... Respondent/Complainant

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

For Petitioner : Mr.R.Balakrishnan

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 as per the defacto complainant viz., P.Mahalakshmi, who is a Inspector of Police, is that the petitioner along with four other accused was found making preparation for committing 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 only on suspicion. He would further

submit that the main accused in this case has been granted bail by this Court vide Crl.O.P.No.14099 of 2020 dated 10.09.2020 and that the petitioner has been in judicial custody for more than a month 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 was found making preparation to commit robbery and they were found in possession of knife & iron rod. He would further submit that there is no previous case against the petitioner. However, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and the fact that the main accused in this case has been granted bail by this Court and there is no previous case against the petitioner and also considering the period of incarceration undergone 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 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.1, Tiruvannamalai**, 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., and 05.30 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.

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/09/2020

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 CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN(CRIME) POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.14151/2020

Date :11/09/2020

GKS:16/09/2020