

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14514 of 2020

K.Ravi Kumar

... Petitioner

Vs.

State Rep By,
Inspector of Police,
Kanathur Police Station,
Chennai District
(Crime No.790 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.790 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.D.Johnson

For Respondent : Ms.S.Thankira
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 31.07.2020 for the offences punishable under **Sections 342, 323, 387 and 506(i) of IPC, in Crime No.790 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Thirumugan is that on 31.07.2020, the accused had asked him to come to the Muttukadu Beach Resort and they had checked in a room. When they were inside the room, the other accused barged into the room and snatched his four cell phones and a gold chain weighing about 6 sovereigns and also started to attack him indiscriminately and later they had also taken the car of the complainant.

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 is enmity between the petitioner and the defacto complainant due to financial dispute thereby, the petitioner was roped in this

case. He would also submit that the alleged property which is stated to have been taken away from the defacto complainant is also recovered. He would further submit that the petitioner is in custody from 31.07.2020 and the major part of the investigation is also over.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is known to the defacto complainant and he had taken him to the Beach Resort near Muttukadu and engaged other accused to take away his cell phones (4 Nos.), his gold chain weighing about 6 sovereigns and his car. She would further submit that the other accused in this case are absconding and yet to be apprehended and the petitioner was arrested on 31.07.2020 and the entire articles which had taken away from the complainant were recovered from the petitioner. Investigation is pending.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner and also considering the fact that all the articles stated to have been taken away by the petitioner were recovered, 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 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Alandur, Chennai, within a period of two weeks from the date of 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 on his release from prison, 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/-
22/09/2020

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,
ALANDUR, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE,
KANATHUR POLICE STATION,
CHENNAI DISTRICT.

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

CRL OP.14514/2020

Date :22/09/2020