

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CRL.O.P.No.14560 of 2020

Praveenkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Flowerbazzar Police Station
Chennai
(Crime No.507 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.507 of 2020 on the file respondent police.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.T.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 30.06.2020 for the offences punishable under **Section 395, 397 IPC, in Crime No.507 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has way laid the defacto complainant and threatened him with knife and robbed an amount of Rs.2,250/-and his cell phone. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that this is the third bail application. He would further submit that this Court had earlier dismissed his bail application vide order dated 28.08.2020 in Crl.O.P.No.13164 of 2020. He would further submit that the other accused in this case have been enlarged on bail. He would further submit that the petitioner is only 19 years old and taking into consideration of the age of the petitioner, bail may be granted to him.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are three previous cases pending against the petitioner. This is the third bail application and this Court had earlier dismissed his bail application vide order dated 28.08.2020 in Crl.O.P.No.13164 of 2020 and there is no change of circumstances.

5. Taking into consideration the facts and submissions made by the learned counsels, considering the period of incarceration suffered by the petitioner and also taking into consideration of the age of the petitioner, 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 that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties **(one surety should be either the father or the mother of the petitioner)** each for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate, George Town, 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. and 5.30 p.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/-
18/09/2020

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 VIII METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE JAILER, SUB JAIL, POONAMALLEE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
FLOWERBAZZAR POLICE STATION, CHENNAI

CC to M/S. A.MURUGAVEL Advocate on payment of necessary charges

CRL OP.14560/2020

Date :18/09/2020

GKS:22/09/2020