

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

Crl.O.P.No.14644 of 2020

S.Azhaguraja

... Petitioner

-Vs-

The State Represented by
The Inspector of Police,
D-4, Zam Bazzar Police station,
Chennai.
(Crime No.451 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.451 of 2020 on the file of the Inspector of Police, D-4, Zam Bazzar Police station, Chennai.

For Petitioner : Mr.R.Sami

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 on 26.07.2020, for the offences punishable under Sections 294 (b), 341, 324, 397 and 506 (ii) of IPC, in Crime No.451 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution, as per the *de facto* complainant Murugan, is that on 27.07.2020, the petitioner has abused him in filthy language and attacked the defacto complainant with knife and robbed Rs.4,000/- and thereafter, threatened him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second application for bail. Earlier application for bail was dismissed by order dated 04.09.2020 in Crl.O.P.No.13069 of 2020 on the ground that the petitioner was arrested recently. He would further submit that the petitioner is the son of Sekar @ Thottam Sekar, a political person. Due to political animosity, the respondent police filed the case against him and the petitioner is only aged 21 years. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner was involved in six previous cases from the year 2018, at that time the petitioner was 19 years. He would further submit that the petitioner was arrested on 26.07.2020 and remanded to judicial custody on 27.07.2020. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner from 27.07.2020, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Metropolitan Magistrate - II, Egmore, Chennai, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 shall stay at Tiruvannamalai and report before the Tiruvannamalai North Police Station every day at 10.30.am. and 5.30 p.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police.

(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/-
21/09/2020

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 METROPOLITAN MAGISTRATE-II, EGMORE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-I, CHENNAI

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D-4, ZAM BAZZAR POLICE STATION, CHENNAI.

5 THE OFFICER INCHARGE
THIRUVANNAMALAI NORTH POLICE STATION,
THIRUVANNAMALAI

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

CRL OP.14644/2020

Date :21/09/2020

GKS:23/09/2020