

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2020

CORAM :

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

CRL.O.P.No.15432 of 2020

Boopathy

... Petitioner

Vs.

The Inspector of Police,
Muthupettai Police Station,
Tiruvavur District.
(Crime No.90 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.90 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

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 20.08.2020 for the offence punishable under **Section 399 of IPC, in Crime No.90 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Dinesh Kumar, Sub Inspector of Muthupettai Police Station is that on 19.02.2020, the petitioner along with other accused were found to be making preparation to commit 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. He would further submit that this is the second bail application and his earlier bail application was dismissed by this Court vide order dated 10.09.2020 in Crl.O.P.No.14052 of 2020 on the ground that the petitioner is having two previous cases. He would further submit that in order to keep the petitioner under fetters, the respondent police have foisted a false case against him. He would further submit that the petitioner is prepared to abide by any stringent conditions that may be imposed on him by this Court as he has been suffering incarceration from 20.08.2020.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is a habitual offender and he has involved in two previous cases. He would further submit that the petitioner hails from Tirunelveli and that he has come all the way to commit the offence. Hence, she vehemently opposed for the grant of bail to the petitioner.

Heard the counsel. Perused the F.I.R.

5.Taking into consideration of the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by 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 to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (out of which one should be a blood surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruthuraipoondi**, and on 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. 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/-
29/09/2020

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,
THIRUTHURAIPOONDI.

2 THE JAILER,
DISTRICT JAIL,
NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges

CRL OP.15432/2020

Date : 29/09/2020

MK:01/10/2020

WEB COPY