

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15412 of 2020

M.Thanraj

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chengalpet.
(Crime No. 815 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 815 of 2020, on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mrs.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 29.07.2020 for the offences punishable under Sections 341, 294(b), 397, 336, 427, 506(ii) of IPC in Crime No. 815 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Singaraj, is that, on 25.07.2020, while he was in his shop, the petitioner along with other accused had come to his shop and by threatening him and abusing him with filthy language, had robbed an amount of Rs.1,750/- from the defacto complainant and when the public around attempted to apprehend them, they have created ruckus, due to which, traffic was paralysed and they have escaped from the scene of occurrence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that there are previous cases pending against the petitioner and in all the cases, the petitioner has enlarged on bail and that in order to put fetters on the petitioner, a false complaint has been obtained from the defacto complainant. He would submit that on mere a reading of FIR, it would show that the case has been foisted to keep the petitioner in custody. He would submit that the petitioner is in custody from 29.07.2020 [i.e., for more than 60 days]. 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 is a notorious rowdy element and there are several previous cases pending him before the S-5, Pallvaram Policer Station right from the year 2016. She would submit the petitioner is a history sheeter and that there are nine previous cases pending against him. Hence, she vehemently opposed to grant bail to the petitioner.

5 Heard both the learned counsels and perused FIR.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 25.07.2020, 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 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, Tambaram 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 stay at Nagercoil and report before Kottar Police Station everyday at 10.30 a.m. and 05.30 p.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

30/09/2020

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,
TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
PALLAVARAM POLICE STATION,
PALLAVARAM, CHENGALPET.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL

CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges

CRL OP.15412/2020

Date :30/09/2020

RVR 01/10/2020

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