

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

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

CRL.O.P.No.14903 of 2020

Jeeva

... Petitioner

Vs.

The State

.... Respondent

Represented by the Inspector of Police
Sevvapet Police Station,
Thiruvallur.
(Crime No.1803 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.1803 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Jagathratchagan

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.07.2020 for the offences punishable under Sections 294 (b), 307 and 506(ii) of Indian Penal Code, in Crime No.1803 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Parthiban is that he is selling fruits in a pushcart and that on 22.07.2020 around 4.00 p.m. the accused had come to him and purchased apples and refused to pay money. When the defacto complainant asked for money, the petitioner had declared that he is a rowdy from Ambattur and also attempted to assault him with knife. When the people around attempted to apprehend the petitioner, he threatened them with knife, due to which the traffic was paralyzed and he had also created disturbance to the public order.

3. The learned counsel appearing for the petitioner would submit that he is innocent and since there are seven previous cases pending against him, the respondent police in order to put him under covers has foisted this case against him. He would further

submit that reading of F.I.R. would go to show that this case has been foisted against the petitioner to detain him under Act 14, but the petitioner was not detained under Act 14 so far. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner had purchased fruits from the defacto complainant who is a fruit seller, when he demanded money for the fruit, the petitioner refused to pay and also attempted to assault him with knife and created ruckus, thereby, he disturbed the public order. She would further submit that there are seven previous cases pending against him and he was arrested on 23.07.2020.

5.Heard the learned counsel on either side and perused the F.I.R.

6.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, 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)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Thiruvallur, 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 Trial Judge 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 Trial Judge 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.

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

-sd/-

23/09/2020

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-2
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR.

5 THE SUPERINTENDENT
CENTRAL PRISON, CHENNAI

CC to M/S. J. JAGATHRATCHAGAN Advocate on payment of necessary charges

CRL OP.14903/2020

Date : 23/09/2020

TA-25/09/2020