

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15007 of 2020

Kalidass Mani @ Kali

... Petitioner

Vs.

The State of Tamil Nadu
Rep by the Inspector of Police
R-6, Kumaran Nagar Police Station
Chennai
(Crime No.1273 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1273 of 2020, on the file of the Inspector of Police, R-6, Kumaran Nagar Police Station, Chennai.

For Petitioner : Mr.S.Anil Sandeep

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 02.09.2020 for the offence punishable under Sections 341, 294(b), 336, 392, 506(II) and 397 of IPC in Crime No.1273 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Rajendran is that on 02.09.2020 at about 9 a.m., while he was walking along Srinivasa Theatre, the petitioner / accused waylaid the defacto complainant, abused him and by threatening him with knife, robbed Rs.750/- from him. The defacto complainant raised alarm, the public came to apprehend him. At that time, he threatened the public and escaped from the scene of occurrence by hurling stones on them and created disturbance to the public order.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would submit that since, the petitioner has got three previous cases against him, in order to put the petitioner under fetters and to detain him by using this case as a ground case, a false case has been registered by the respondent police. He would submit further that mere reading of F.I.R. would show that it is a case foisted. He would submit that the petitioner has been suffering incarceration from 02.09.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a habitual offender and he waylaid the defacto complainant and robbed Rs.750/- from him by threatening him with knife. When people around came to apprehend him, he hurled stones on them and created disturbance to public order. He would further submit that investigation is pending.

5. Heard the learned Counsels and perused the F.I.R.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration undergone 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 each for a like sum to the satisfaction of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, 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 everyday at 10.30 a.m. and 5.30 p.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.

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

-sd/-

06/10/2020

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 XXIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-6, KUMARAN NAGAR POLICE STATION,
CHENNAI

5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S. S.ANIL SANDEEP Advocate on payment of necessary charges Sr.6679

CRL OP.15007/2020

Date :06/10/2020

RVR 07/10/2020

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