

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. 15065 of 2020

1.Rajkumar

2.Sathyaraj

... Petitioners/Accused Nos.2 & 3

Vs.

The State represented by,
The Inspector of Police,
Kandrathur Police Station,
Kancheepuram District.

(Crime No. 1324 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioners on bail in Crime No. 1324 of 2020, on
the file of the respondent police.

For Petitioners : Mr.S.Senthilvel

For Respondent : Mrs.S.Thankira

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to
judicial custody on 30.08.2020 for the offences punishable under
Sections **341, 294(b), 336, 427, 397 and 506(ii) of IPC** in Crime
No. 1324 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto
complainant viz., Sivarathinam, is that, on 29.08.2020, at about
02.30 p.m., the petitioners along with yet another accused by
declaring themselves to be the members belong to one Mathew gang,
had threatened him at knife point and snatched an amount of
Rs.8,000/- from him. When the public around gathered there and
attempted to apprehend them, they have created ruckus and caused
disturbance to public order. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they are no way connected with this case. He would further submit that mere reading of FIR, it would show that this case was foisted for the purpose of detaining the petitioners under Act 14, 1982. He would further submit that the petitioners are in custody from 30.08.2020 and that they are prepared to abide by any stringent condition that may be imposed on them by this Court. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners belong to one notorious Mathew gang and that they have been threatening the area people declaring themselves as members of one Mathew gang, who is arrayed as A1 in this case and they have also created a lot of disturbance in and around Kancheepuram area and that fearing them, none of the victims have come forward to give complaint against them. She would further submit that the petitioners have also snatched an amount of Rs.8,000/- from the defacto complainant by threatening him. Hence, she vehemently opposed to grant bail to the petitioners.

5 Heard both the learned counsels and perused FIR.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 30.08.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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, Sriperumbudur 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 petitioners shall stay at Cuddalore and report before respondent Cuddalore Old Town Police Station everyday at 10.30 a.m. and 05.30 p.m., until further orders and the petitioners shall not enter into the jurisdictional limits of the respondent police.

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

(f) the petitioners shall not tamper with evidence or witness either during trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 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,
SRIPERUMBUDUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL II,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DIST.

5 THE OFFICER INCHARGE,
CUDDALORE OLD TOWN POLICE STATION,
CUDDALORE.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary charges SR NO.6611

CRL OP.15065/2020

Date :30/09/2020