

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM :

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

CRL.O.P.No.15258 of 2020

BHARATH KUMAR

... Petitioner

Vs.

State Rep By

The Sub Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.
(Crime No.2504 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.2504 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.K.Ilavarasan

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 18.06.2020 for the offences punishable under Sections 341, 294(b) and 392 of IPC in Crime No.2504 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Udayakumar is that on 25.07.2020 at about 11 a.m., while he was going along the road, the petitioner accused along with his brother Arunachalam, waylaid the defacto complainant and robbed his mobile phone and money purse with cash of Rs.3,250/-. When he raised alarm, people around came and when they attempted to apprehend the accused, they created panic and escaped from the scene of occurrence. Based on the complaint given by the defacto complainant, the case was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that a very reading of the F.I.R. would show that it is case foisted for the purpose of invoking Act 14. He would further submit that A2 in this case is the brother of the petitioner against whom there are several cases pending and based on this case, the brother of the petitioner has been detained under Act 14 of 1982. Insofar as this petitioner is concerned, there is no previous case and it is a case foisted. He would further submit

that the major part of investigation is over and the petitioner has been suffering incarceration from 25.07.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused waylaid the defacto complainant and threatened him under knife point and robbed his cell phone and money purse with cash of Rs.3,250/-. She would further submit that A2/brother of the petitioner has been detained under Act 14 of 1982. Hence, she opposed for grant of bail.

5. Heard the learned Counsel on both sides and perused the F.I.R.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned Counsels and also considering the period of incarceration of the petitioner from 18.06.2020, 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 likesum to the satisfaction of the learned Judicial Magistrate-II, Thiruvannamalai, 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/-

28/09/2020

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,
NO.II, THIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
THIRUVANNAMALAI EAST POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.P.K.ILAVARASAN Advocate on payment of necessary charges

CRL OP.15258/2020

Date :28/09/2020

RVR 30/09/2020

सत्यमेव जयते

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