

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.15194 of 2020

K.Saravanan @ Kutta Saravanan

... Petitioner

Vs.

State rep by

The Inspector of Police(L & O)

V3, J.J.Nagar Police Station

Chennai

(Crime No.1202 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.1202 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.G.Santhosh Kumar

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 22.08.2020 for the offences punishable under **Section 341, 294(b), 323, 397, 336 and 506(2) of IPC in Crime No.1202 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 22.08.2020 at about 8.15 a.m. when the defacto complainant was plying his auto, the petitioner waylaid him at knife point and robbed a sum of Rs.500/- and his cell phone by declaring him as a rowdy and created commotion in that area, due to which, the traffic got paralyzed and he had also created disturbance to public order.

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 further submit that the petitioner is a law graduate and mere reading of this case would go to show that this case has been foisted against him for the purpose of invoking Act 14. He would further submit that the petitioner's friend has involved in a murder case and the petitioner as a friend had been giving him legal assistance and as a retaliation false cases are registered against him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner had waylaid the defacto complainant and robbed an amount of Rs.500/- and his cell phone at knife point. She would further submit that the petitioner had also created ruckus in that area, due to which, the traffic got paralyzed and he had also caused disturbance to the public order. She would further submit that the petitioner has got two previous cases under Section TNPPDL Act, against him.

5.Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 22.08.2020, 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/- (Ten Thousand only) with two sureties each for a likesum sum to the satisfaction of the the learned Judicial Magistrate, Ambattur, 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 Tindivanam and report before the Tindivanam Town Police Station everyday at 10.30 a.m. and 05.30 p.m., for a period of two weeks and thereafter 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,
AMBATTUR.

2 THE JAILER,
SUB-JAIL, POONAMALLEE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (L & O),
V-3, J.J. NAGAR POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
TINDIVANAM TOWN POLICE STATION,
TINDIVANAM.

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of
necessary charges

CRL OP.15194/2020

Date : 28/09/2020

MK:30/09/2020