

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2020

CORAM :

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

CRL.O.P.No.15618 of 2020

Kishore

... Petitioner

Vs.

State rep by
Inspector of Police,
Sankar Nagar Police Station,
Chengalpattu District.
Crime No.792/2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.792 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Kannan

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 25.07.2020 for the offences punishable under Sections 294(b), 341, 336, 427, 392, 397 and 506(2) of IPC, in Crime No.792 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Nagappan is that on 25.07.2020, the petitioner along with other accused has waylaid the defacto complainant and under threat of knife, robbed a sum of Rs.1,450/- from him and also threatened him with dire consequences.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the present case has been registered by the respondent police only to put fetters on him, since, he involved is in other cases. He would further submit that mere reading of F.I.R. would show that the present case has been foisted only for the purpose of detaining the petitioner under Act 14, however, the petitioner has not been detained under Act 14, so far. He would further submit that the petitioner has been granted bail in all other cases.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is having three previous cases, one case is registered in Crime No.665/2018, for the offences under Section 380 IPC and another case in Crime No.38 of 2020 has been registered by the Pallavaram Police under the NDPS act and yet another case in Crime No.793 of 2020 has been registered against the petitioner for having found in possession of 4 Kgs. of GANJA,

5.In reply, the learned counsel for the petitioner would submit that in all these cases, the petitioner has been grant bail.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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 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, Tambaram, 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 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.

(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/-
14/10/2020

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 THE JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
CHENGALPATTU DISTRICT.

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

CRL OP.15618/2020

Date :14/10/2020

MK:15/10/2020