

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15484 of 2020

Chinnamuthu @ Vicky

... Petitioner

Vs.

State Represented by

The Inspector of Police,
B 9, Fairlands Police Station,
Salem District.

(Crime No.1160 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1160 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.Sudalaikannu

For Respondent : Mrs.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 17.09.2020 for the offences punishable under Sections 341, 392, 397 and 506(2) of Indian Penal Code, 1860 in Crime No.1160 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Boopathi is that on 17.09.2020, while he was returning from his work, the petitioner waylaid him declaring that his name was Vicky @ Chinnamuthu, resident of Nagaramalai Adivaram and everybody knows him and robbed Rs.1,100/- from him at knife point. When the defacto complainant raised hue and cry, people around came and attempted to apprehend him during which, the petitioner threatened them and ran away. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. In fact the petitioner is a income tax assessee and paying all taxes without any default. Further, the petitioner owns two cars and also having properties and for the reasons best known,

the respondent have registered a false case against him by using one Boopathi/the defacto complainant herein. He would further submit that a very reading of F.I.R. would show that it is a foisted case and the petitioner has been suffering incarceration for no fault from 17.09.2020 and prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that on 17.09.2020, the petitioner waylaid the defacto complainant and robbed an amount of Rs.1,100/- from him by threatening with knife. She would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsel and the fact that there is no previous case against the petitioner and considering the period of incarceration by the petitioner from 17.09.2020, 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 like sum to the satisfaction of the learned Judicial Magistrate-V, Salem, 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 daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday 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/-
01/10/2020

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,
NO.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, SANKAGIRI,
TIRUCHENGODE ROAD, SALEM-6.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
B9, FAIRLANDS POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.K.SUDALAI KANNU Advocate on payment of necessary charges SR.No.6555

WEB COPY

CRL OP.15484/2020

Date :01/10/2020

cs 05/10/2020