

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. 15495 of 2020

Rajesh

S/o. Ramaiya

... Petitioner

Vs.

The State

Rep by Inspector of Police,
M 6 Manali Police Station,
Chennai 68

(Crime No.1461 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1461 of 2020, on the file of the respondent police.

For Petitioner : Mr.T.Dharani

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 29.06.2020 for the offences punishable under Sections 341, 294(b), 336, 392, 397, 506(II) of IPC, in Crime No.1461 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Balamurugan is that on 29.06.2020 at 21:00 hours, while he was proceeding towards Manali, the petitioner along with another accused namely Jebakumar, waylaid and threatened him and took away Rs.1,860/- from him. When he raised alarm, people around attempted to apprehend them and that they escaped from the spot. Hence, the complaint.

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 this particular case has been registered only for the purpose of detaining him under

Act 14 and that pursuant to this case, he was detained under Act 14 by the order of the Commissioner of Chennai on 24.07.2020. Thereafter, on the representation being sent by the members of the petitioner's family, the detention order was revoked on 04.09.2020 by the Government. He would further submit that the petitioner is in judicial custody for more than 90 days from 29.06.2020 and that the co-accused in this case namely Jebakumar has been enlarged on bail. Hence, he prays for grant of bail.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with another waylaid the defacto complainant, threatened with knife and took away Rs.1,860/- from him. She would submit that the petitioner has five previous cases and that he was detained under Act 14 of 1982 and later the detention order was revoked by the Government.

5 Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration undergone by the petitioner from 29.06.2020, 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 out of which, one surety shall be a Government Surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur, 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 every day at 05.30 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];

<https://hcservices.ecourts.gov.in/hcservices/>

(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 SPECIAL JUDICIAL
MAGISTRATE, THIRUVOTTIYUR

2 THE JUDICIAL MAGISTRATE,
THIRUV OTTIYUR

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
M6, MANALI POLICE STATION,
CHENNAI - 68.

CC to M/S.T.DHARANI Advocate on payment of necessary charges

WEB COPY

CRL OP.15495/2020

Date :01/10/2020

RD 05/10/2020