

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.15735 & 15737 of 2020

Om Prakash ... Petitioner in Crl.O.P.No.15735 of 2020

1.S.Blessing Simon

2.Balasiva ... Petitioners in Crl.O.P.No.15737 of 2020

Vs.

State Rep. By:

The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.

Crime No.1297 of 2020 ... Respondent in all the Petitions

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1297 of 2020 pending investigation before the respondent police station.

In all the Criminal Original Petitions

For Petitioners : Mr.G.Balamanikandan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.08.2020 for the offences punishable under Sections 341, 294(b), 336, 427, 397 & 506(ii) of IPC, in Crime No.1297 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused had threatened the defacto complainant by brandishing knife and robbed a sum of Rs.5,150/-. When the defacto complainant raised alarm, the people around him attempted to apprehend the

petitioners, during which, the petitioners have hurled soda bottles on them, due to which, the traffic got paralysed and there was a disturbance to the public order.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are originally arrested on 18.08.2020 in Crime No.1267 of 2020 and thereafter a false case has been foisted against them for the purpose of detaining them. He would further submit that the other accused have been enlarged on bail by the Sessions Court. He would further submit that apart from these two cases, there are no other cases pending against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners had threatened the defacto complainant by brandishing knife and robbed a sum of Rs.5,150/- and when he raised alarm, the people around him attempted to apprehend the petitioners, at that time, the petitioners hurled soda bottles on them, due to which, the traffic got paralysed and there was a disturbance to the public order.

5.Taking into consideration of the facts and submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Sriperumbudur, 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 petitioners on their 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 petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
02/11/2020

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+3 CC to M/S.G.BALAMANIKANDAN Advocate on payment of
necessary charges SR NOS.7153, 7155

CRL OP.15735 & 15737 OF 2020

Date :02/11/2020