

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15700 of 2020

AUGUSTINE

... Petitioner

Vs.

The Inspector of Police

... Respondent

Sriperumbudur Police Station

Sriperumbudur

Kancheepuram District

(Crime No.2535 of 2020)

**Prayer:** Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.2535 of 2020, on the file of the Inspector of Police, Sriperumbudur Police Station, Sriperumbudur, Kancheepuram District

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under **Section 399 IPC** in Crime No.2535 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the Inspector of Police, Sriperumbudur Police Station is that on 17.09.2020, while he was on his usual rounds, he had seen some persons making preparation to commit dacoity and the accused were apprehended from the scene of occurrence and wooden log, knives and iron pipe were recovered from them.

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 since he happens to be the friend of other accused against whom cases are pending. He would further submit as

far as this petitioner is concerned, there is no previous case against him and he has been arrested only on suspicion and that he has been suffering incarceration from 18.09.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the friend of the other accused and that he along with other accused was found making preparation to commit dacoity and he was arrested from the scene of occurrence. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioner and also considering the period of incarceration undergone 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 District Munsif cum 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 petitioner 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
06/10/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
SRIPERUMBUDUR POLICE STATION,  
SRIPERUMBUDUR,  
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT  
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. R.RAJASEKARAN Advocate on payment of necessary charges SR.NO.6637

CRL OP.15700/2020

Date :06/10/2020

TA-07/10/2020