

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15915 of 2020

1.Arjun ... Petitioners/Accused
2.Pradeepkumar

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Pattabiram Police Station,
Thiruvallur District.
(Crime No. 657 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 657 of 2020, on the file of the respondent police.

For Petitioners : Mr.E.Parthiban
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 23.09.2020 for the offences punishable under Sections 341, 294(b), 336, 427, 392, 397 and 506(2) of IPC in Crime No. 657 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto complainant Gopi is that on 22.09.2020, while he was on his way to his shop, the petitioners have waylaid him, abused him with filthy language, threatened him by brandishing knife and robbed an amount of Rs.150/- from him and at that time, the defacto complainant has cried and thereby, near by public had gathered there and tried to apprehend them but the petitioners have threatened them and ran away from the scene of occurrence and later they were arrested on the next day i.e., 23.09.2020.

3 The learned counsel appearing for the petitioners would submit that the present case has been registered as sequel to the case in Crime No. 654 of 2020, which was registered on the complaint

of one Nomonkhan, for the offence under Section 392 of IPC and later it was altered to one under Section 395 of IPC. He would submit that the said Nomonkhan is the person, who had cheated several people by selling duplicate electronic items and that the petitioners have intervened and taken back an amount of Rs.35,000/- from the said Nomonkhan and handed over to the public. Whiles, the police had suspected them to be robbers and had registered a false complaint against them. He would further submit that on a mere reading of FIR, it could be seen that the case has been registered only for the purpose of detaining the petitioners and later during the course of investigation, the police had come to understand the truth in the case and further action for detaining the petitioners has been dropped. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have waylaid the defacto complainant and robbed an amount of Rs.150/- from him and when the public around gathered to apprehend them, the petitioners have threatened the public and ran away from the scene of occurrence. He would further submit that there is no previous case pending against the petitioners.

5 Heard both the learned counsels and perused FIR.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 23.09.2020, 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 that each petitioner shall 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 No.II, Thiruvallur 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 shall report before respondent police everyday at 10.30 a.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

(h) 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

13/10/2020

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.II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PATTABIRAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE JAILER,
SUB-JAIL, POONAMALLEE.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.E.PARTHIBAN Advocate on payment of necessary charges SR.NO.6862

CRL OP.15915/2020

Date :13/10/2020