

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.16035 of 2020

Stephenraj

... Petitioner

Vs.

The State by:

Inspector of Police,
S-6, Shankar Nagar Police Station,
Chennai.

(Crime.No.821/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.821 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.J.Hasheem Sindha Batcha

For Respondent : Mr.T.Shunmugarajeswaran
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 01..2020 for the offences punishable under **Section 294 (b), 341, 336, 392, 397 and 506(ii) of IPC, in Crime No.821 of 2020** on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Selvam is that on 01.08.2020, while he was going near Annasalai, Sigamani Street Junction in his two wheeler, three persons waylaid him and one of them proclaimed himself to be one Vinoth @ Vinoth Kumar from Adam Nagar, abused him with filthy language and threatened him by brandishing knife and had robbed an amount of Rs.600/- from his pocket. Thereafter, when the public nearby had attempted to apprehend them, they have hurled cool drinks bottle and caused disturbance to pubic order and escaped in their motor vehicle Hero Honda, black colour vehicle bearing registration No.TN-22-H-3371, 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 on mere reading of FIR would go to show that it is a case only registered for the purpose of detaining the petitioner under Act 14, 1982. He would further submit that subsequent to the arrest of the petitioner in another case, he was produced on PT warrant in this case. He would further submit that in all the cases, the petitioner has been granted bail and the co-accused in this case has also been granted bail by the learned District and Sessions Judge. He would further submit that the petitioner was arrested on 01.08.2020 and he is in custody for more than 73 days. He would further submit that before the registration of this case, the petitioner was not at all arrested in any other case. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with two other accused had waylaid the defacto complainant at knife point and robbed an amount of Rs.600/- from him. He would submit that apart from this case the petitioner has involved in five other cases. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 01.08.2020, 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-II, Tambaram 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 respondent police everyday at 10.30 a.m. and 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;

(h) 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];

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

6 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,
TAMBARAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-6, SHANKAR NAGAR POLICE STATION,
CHENNAI.

+1CC to M/S. J.HASHEEM SINDHA BATCHA Advocate on payment of necessary charges SR NO.6824

CRL OP.16035/2020

Date :13/10/2020