

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

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

CRL.O.P.No.16077 of 2020

Vignesh @ Vicky

... Petitioner'

Vs.

The Inspector of Police
Steel Plant Police Station
Salem District
(Crime No.1018 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1018 of 2020 on the file of the Inspector of Police, Steel Plant Police Station, Salem District.

For Petitioners : Mr.J.Ranjith Kumar

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 17.09.2020 for the offence punishable under **Sections 341, 392, 397 and 506(ii) of IPC, in Crime No.1018 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Sekar is that on 16.09.2020 at about 4.30 p.m, while he was going along a Chicken Stall near Kollappatti Government High School, three unknown persons have waylaid him, proclaiming themselves to be the Rowdies from Salem, threatened him with knife and robbed Rs.500/- and ½ Sovereign gold ring from him. Thereafter, by threatening the public ran away from the scene of occurrence. Based on the complaint given by the defacto complainant, the accused were arrested on 17.09.2020.

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 due to some motive by his enemies. He would submit that the very reading of the F.I.R. would show it is a case fabricated for the purpose of arresting the petitioner. He

would further submit the petitioner is doing food business in Salem and he is also an income tax assessee and that he has been suffering incarceration from 17.09.2020 for no fault. 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 along with two other accused, waylaid the defacto complainant and by threatening him with knife, robbed Rs.500/- and a gold ring weighing ½ sovereign from him. He would submit that the investigation is pending.

5.Heard the learned counsels on either side and perused the F.I.R.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered 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 Judicial Magistrate-I, Salem**, 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. 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.

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

-sd/-
12/10/2020

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.I,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM DISTRICT.

CC to M/S.J.RANJITHKUMAR Advocate on payment of necessary charges

CRL OP.16077/2020

Date :12/10/2020

MK:13/10/2020