

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.Nos.16635 & 16638 of 2020

1.Santhosh

2.Krishna @ Krishna Kumar

... Petitioners
in both petitions

Vs.

State rep. by
The Inspector of Police,
Madhavaram Milk Colony Police Station,
Thiruvallur District.
(Crime No.2595/2020)

... Respondent
in Crl.O.P.No.16635/2020

State rep. by
The Inspector of Police,
Madhavaram Milk Colony Police Station,
Thiruvallur District.
(Crime No.2597/2020)

... Respondent
in Crl.O.P.No.16638/2020

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime Nos.2595 & 2597 of 2020 on the file of the Madhavaram Milk Colony Police Station, Thiruvallur District.

For Petitioners : Mr.D.Magesh

For Responden : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

COMMON ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.08.2020 for the offences punishable under Sections 341, 294(b), 392, 397 and 506(ii) of IPC, in Crime No.2595 of 2020 and for the offences punishable under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) of IPC, in Crime No.2597 of 2020 on the file of the respondent police, seek bail.

2 In Crl.O.P.No.16635/2020:

The case of the prosecution as per the defacto complainant viz., Sampath, is that on 31.07.2020, the accused had waylaid his vehicle, when he along with his brother and friend were on the way to a lake and one of the accused proclaimed himself to be one

Raj Kumar, who had murdered a person, demanded the money from them and they have also assaulted the defacto complainant, his brother and friend and had robbed an amount of Rs.2,300/- and three cell phones from them. Thereby, they have sustained injuries. Hence, the complaint.

3 In Crl.O.P.No.16638/2020:

The case of the prosecution as per the defacto complainant viz., Kalanithi is that on 01.08.2020, the accused had waylaid his bicycle and by threatening him and his friend, had robbed an amount of Rs.900/- and one cell phone. Therefore, based on the complaint given by the defacto complainant, the petitioners were arrested on 01.08.2020.

4 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case since they happen to be the friends of one Rajkumar, who is a notorious rowdy. He would submit that on a mere ready of FIR, it would show that the case has been foisted only for the purpose to detain the said Rajkumar under Act 14, 1982 and that the petitioners are unnecessarily dragged into this case. He would submit that the petitioners are in custody for more than 85 days. Hence, he prays to grant bail to the petitioners.

5 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners along with one said Rajkumar had waylaid the defacto complainant in both the cases, assaulted them and by threatened them, had robbed cell phones and money from them. He would submit that the said Rajkumar had been detained under Act 14, 1982 and that apart from this case, the petitioners have no other previous cases against them. However, he opposed to grant bail to the petitioners.

6 Heard both the learned counsel and perused FIR.

7 Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 01.08.2020, 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 to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Madhavaram 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 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 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.

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

-sd/-
28/10/2020

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, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

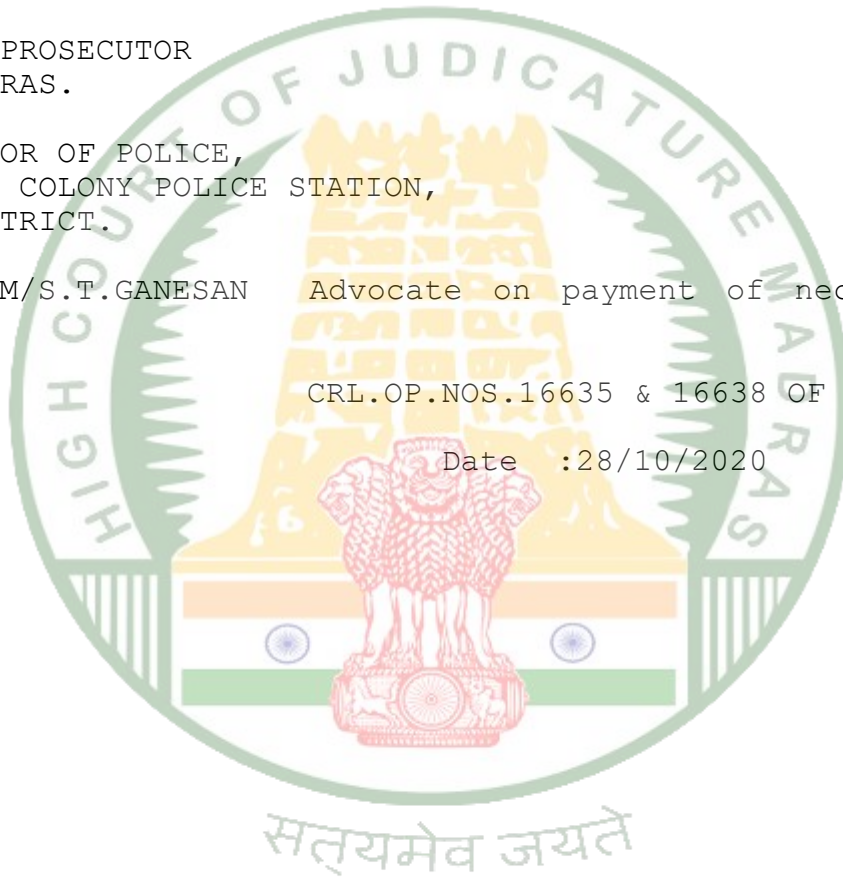
5 THE INSPECTOR OF POLICE,
MADHAVARAM MILK COLONY POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.T.GANESAN Advocate on payment of necessary
charges

CRL.OP.NOS.16635 & 16638 OF 2020

Date :28/10/2020

MK:29/10/2020



WEB COPY