

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16619 of 2020

Parthipan @ Pallu Parthi

... Petitioner/Single Accused

Vs.

The State represented by,
The Inspector of Police,
Thirunindravur Police Station,
Thiruvallur District.

Crime No.666/2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 666 of 2020, on the file of the respondent police.

For Petitioner : Mr.N.Sudharsan

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 28.09.2020 for the offences punishable under Sections 341, 294(b), 336, 392, 397 and 506(ii) of IPC in Crime No. 666 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Muthu, who is an auto driver by profession, is that on 28.09.2020, while, he was proceeding in his auto near by Thinrunindravur Ramar Temple canal, the petitioner proclaiming him to be a rowdy, threatened the defacto complainant and had robbed an amount of Rs.300/- from him and when the defacto complainant had raised his voice, nearby public had came to the place of occurrence and had tried to apprehend the petitioner and at that time, the petitioner had threatened the public with knife and also hurled stones on them. Therefore, based on the complaint given by the defacto complainant, the petitioner was arrested on 28.09.2020.

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 a mere reading of FIR, it would show that it is a case foisted only for the purpose of detaining the petitioner under Act 14, 1982. 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 had waylaid the defacto complainant, robbed an amount of Rs.300/- at knife point and when the public had attempted to apprehend the accused, the accused had threatened them with knife and hurled stones on them. He would further submit that there are three previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Heard the learned counsels and perused FIR.

6 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 28.09.2020, 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7 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 JUDICIAL MAGISTRATE NO.II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.N.SUDHARSAN Advocate on payment of necessary charges

CRL OP.16619/2020

Date :28/10/2020