

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17536 of 2020

Chandran

... Petitioner

Vs.

State, represented by
The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
Crime No.681/2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.681 of 2020 on the file of the Inspector of Police, Gomangalam Police Station, Coimbatore District.

For Petitioner : Mr.S.Jayaprakash

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 12.09.2020 for the offences punishable under Sections 387 of IPC and later altered to under Section 392 and 397 of IPC, in Crime No.681 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that on 12.09.2020, the petitioner waylaid him and threatened him on knife point and robbed a sum of Rs.500/- from him.

3.The learned counsel appearing for the petitioner would submit that this is a second application for bail and the petitioner the earlier petition was dismissed by this Court vide Crl.O.P.No.15351 of 2020 dated 14.10.2020 on the ground that the petitioner was having eight previous cases. He would submit that it is true that the petitioner has got previous cases registered against him under NDPS Act for having sold Ganja and in all those cases the petitioner has pleaded guilty. Thereafter, in the year 2017, the petitioner was

bound over Section 110 Cr.P.C. and later in order to put fetters on the petitioner, the present case has been foisted against him and that in fact no such incident had happened as alleged in the F.I.R. He would further submit that the petitioner is a senior citizen aged 62 years, arrested on 12.09.2020 and he has been suffering incarceration for more than 2 months. He would submit that taking into consideration, the age of the petitioner bail may be granted to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is a drug peddler against whom there are eight previous cases and that on 12.09.2020, the petitioner waylaid the defacto complainant and robbed Rs.500/- from him.

5. Heard the learned Counsel on either side. Perused the materials placed on record.

6. Taking into consideration of the facts and submissions made by the learned counsels and considering the age of the petitioner and 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-II, Pollachi, 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 on his release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 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;

(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

(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/-
09/11/2020

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, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GOMANGALAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.S.JAYAPARKASH Advocate on payment of necessary charges SR.No.7406

WEB COPY

CRL OP.17536/2020

Date :09/11/2020

cs 10/11/2020