

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17347 of 2020

Saravanan @ Saravana Kumar

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram Police Station,
Chennai.

(Crime No.1700 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1700 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.K.Ganesh

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.09.2020 for the offence punishable under Sections 452, 294(b), 392, 397, 506(ii) of IPC in Crime No.1700 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Lavanya is that she was running a Massage Center and the accused who had come as a customer along with other accused to her massage center, threatened her with knife and robbed Rs.4,000/- cash and a mobile phone from her and also taken away her Thali chain.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a resident of Tambaram and when he had gone to the Massage Center, he had found some illegal activities going on in the Massage Center and when he had questioned the same, there was a quarrel between them. Thereby, a false case has been foisted against him as if, the petitioner threatened the defacto complainant and robbed her at knife point. He would further submit that even as per the defacto complainant, the occurrence is said to have been taken on

24.09.2020. Whereas, the complaint has been given after due deliberation on 29.09.2020, after five days from the date of occurrence. He would further submit that the petitioner has been suffering incarceration for more than 40 days from 30.09.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner in the guise of customer, entered into the Massage Center along with other accused, run by the defacto complainant, threatened her with knife and robbed Rs.4,000/- cash and a mobile phone and also snatched her Thali. He would further submit that there is no previous case against the petitioner.

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

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioner and also considering 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.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No-I, 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, on his release from prison, 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/-

11/11/2020

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.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-11 TAMBARAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II,
CHENNAI

CC to M/S.P.K.GANESH Advocate on payment of necessary charges
Sr.7570

CRL OP.17347/2020

Date :11/11/2020

RVR 18/11/2020

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