

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 17366 of 2020

Bharathi

... Petitioner

Vs.

The State represented by, ... Respondent/Complainant
Station House Officer,
Neyveli Township Police Station,
Cuddalore District.
(Crime No.1061 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1061 of 2020, on the file of the respondent police.

For Petitioner : Mr.Devaraju

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.10.2020 for the offences punishable under Sections 294 (b), 341, 392, 397, 506(ii) IPC, in Crime No.1061 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Tamilarasan is that on 18.10.2020, while the defacto complainant was coming back home, the accused had waylaid him and threatened him at knife point and robbed a sum of Rs.1000/- from him. When the defacto complainant raised alarm, people nearby apprehended the accused at the spot.

3.The learned counsel appearing for the petitioner would submit that based on the earlier complaints against the petitioner, the petitioner was frequently called to the Police Station and harassed by the Inspector of Police and thereby the petitioner had taken his local advocate to the Police Station and when the local advocate questioned the earlier Inspector, there was a quarrel

between the local advocate and the Inspector and only as a vengeance, false complaints have been registered against the petitioner. He would further submit that on the complaint given by the local advocate on behalf of the petitioner, the earlier Inspector viz. Arumugam, who had foisted a case against the petitioner, has been transferred out of the respondent police station. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on him by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner had waylaid the defacto complainant and threatened him at knife point and robbed a sum of Rs.1000/- from him. He would further submit that the petitioner is having two previous cases.

5.Heard the learned counsel on either side. Perused both the F.I.Rs.

6.Taking into consideration of the facts and submissions 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Neyveli**, 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 District 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/-
20/11/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
NEYVELI TOWNSHIP POLICE STATION,
CUDDALORE DISTRICT.

5 THE JAILER,
SUB-JAIL, VILLUPURAM.

+1 CC to M/S.DEVARAJU Advocate on payment of necessary charges
SR.NO.7706

CRL OP.17366/2020

Date :20/11/2020

TA-23/11/2020