

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17754 of 2020

S.Santhosh

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.1431 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.1431 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

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 12.09.2020 for the offences punishable under Section 399 of IPC in Crime No.1431 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant Sub Inspector of Police is that on 12.09.2020, while he was on patrol duty at Mukonam Valavadi, the accused who were found going in a car, were planning to commit robbery.

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 submit that the petitioner was earlier fixed in 10 previous cases and in order to put fetters on the petitioner, a false case has been foisted against the petitioner as if, he was making preparation along with other accused to commit robbery. He would further submit that the petitioner was arrested on 12.09.2020 and he has been suffering incarceration for 60 days as on today. Hence, he seeks for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that on 12.09.2020, the petitioner along with other accused was making preparation to commit robbery. He would further submit that the petitioner has got 10 previous cases to his credit.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner did not involve in this case and only to put the petitioner under strings, the present case has been foisted. He would further submit that the petitioner is prepared to abide by any stringent condition.

6. Taking into consideration the facts and submissions made by the learned counsels and 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 Principal Sessions Judge, Tiruppur, 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 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 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/-

10/11/2020

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 PRINCIPAL SESSIONS JUDGE,
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUPPUR

4 THE INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT.

CC to K.MYILSAMY Advocate on payment of necessary charges
Sr.7460

CRL OP.17754/2020

Date :10/11/2020

RVR 11/11/2020

WEB COPY