

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18014 of 2020

1.Arun @ Pulli Arun
S/o Ashokan

2.Arun @ Poonai Arun
S/o.Ganesan

...Petitioner

Vs.

State represented by,
The Inspector of Police,
E-2 Royapettah Police Station,
Royapettah, Chennai District.
(Crime No.1634 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in Crime No.1634 of 2020 on the file of the respondent.

For Petitioner : T.Gnana Banu

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.10.2020 for the alleged offences punishable under Sections 341, 294(b), 392, 427, 307 and 506(ii) of IPC, in Crime No.1634 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant one Prabhakaran is that on 23.10.2020, while he was walking along Lloyds Road and Dr.Natesan Road Junction, the petitioners waylaid the defacto complainant and by keeping knife on his neck, threatened the defacto complainant and robbed a sum of Rs.500/- from him. Hence, the complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration from 23.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners by keeping knife on the neck of the defacto complainant, robbed a sum of Rs.500/- from him. He would further submit that the petitioners have got one previous case each to their credit.

5. At this juncture, the learned Counsel for the petitioners would submit that admittedly the petitioners have got one previous case each to their credit and that the previous case is related to the year 2017 and 2018 respectively. He would further submit that the petitioners hail from very poor family.

6. Taking into consideration the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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-XVIII, Saidapet, Chennai, 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 petitioners on their release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.XVIII, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITANA
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
ROYAPETTAH, CHENNAI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL, CHENNAI

CC to M/S. T.GNANA BANU Advocate on payment of necessary charge
Sr.7558

सत्यमेव जयते CRL OP.18014/2020

Date :11/11/2020

RVR 18/11/2020

WEB COPY