

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CRL.O.P.No.18092 of 2020

Karthi

... Petitioner

Vs.

State rep by

... Respondent

The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.
Kanchipuram District
(Crime No.4048 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4048 of 2020 pending on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2020 for the offence punishable under **Sections 294 (b), 392, 397, 506(ii) of IPC r/w 3(1) of TNPPDL Act.**, in Crime No.4048 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Harikrishnan is that the petitioner along with three other accused had come to his shop in two two wheelers and by threatening him with knife and by proclaiming themselves as rowdies in Kancheepuram, had robbed an amount of Rs.4,100/-, half sovereign gold ring and watch and they have also threatened the public nearby. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that since the respondent had suspect him to be a friend of one Sathish @ Otta Sathish and the case was registered against him. He would submit that on a very reading of FIR would go to show that the case was lodged only for the purpose of detaining the main accused

viz., Sathish @ Otta Sathish under Act 14, 1982 and later the main accused in this case has been detained under Act 14. He would submit that as far as this petitioner is concerned, there is no previous case pending against him and that he is in custody from 21.09.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is an associate of one Sathish @ Otta Sathish and that on 04.09.2020, the petitioner along with other accused had threatened the defacto complainant and robbed an amount of Rs.4,100/-, half sovereign gold ring and watch from him. He would further submit that A1 in this case has been detained under Act 14, 1982. However, he opposed to grant bail to the petitioner.

5.Heard both the learned counsel and perused FIR.

6.Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 21.09.2020, 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 No.I, Kanchipuram 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 shall report before 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;

(h) 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/11/2020

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, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIVA KANCHI POLICE STATION,
KANCHIPURAM,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges SR.NO.7614

सत्यमेव जयते CRL OP.18092/2020

Date :18/11/2020

TA-19/11/2020

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