

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM :

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

CRL.O.P.No.18192 of 2020

Muthusaravanan

... Petitioner

Vs.

State rep by

The Inspector of Police,
Thirunindravur Police Station,
Thiruvallur District.
(Crime No.627 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in connection with Crime No.627 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.08.2020 for the offences punishable under Section 294(b), 336, 341, 427, 392, 397 & 506(ii) of IPC, in Crime No.627 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Karthi is that on 24.08.2020 while he was on his way to his house, the petitioner waylaid him and proclaiming himself to be one Muthusaravanan, the famous rowdy from Thiruvallur, threatened, intimidated him and robbed a sum of Rs.500/- from him. When the defacto complainant raised an alarm, the people around him attempted to apprehend the petitioner, during which, the petitioner hurled soda bottles against them, due to which, there was ruckus, the traffic got paralyzed and there was disturbance to the public order.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that mere reading of F.I.R. would go to show that it is a case foisted for the purpose of detaining the petitioner under Act 14 since he has got 13 previous cases and only to put fetters on him, a false case has been foisted against him. He would further submit that the petitioner was arrested on 24.08.2020 and he is in custody for more than 75 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner on 24.08.2020 had waylaid the defacto complainant and intimidated him and also robbed a sum of Rs.500/- from him. He would further submit that when the people around him attempted to apprehend the petitioner, he hurled soda bottles on them, due to which, the traffic got paralyzed and there was disturbance to the public order in that area. He would further submit that the petitioner is having 13 previous cases against him.

5.Heard the learned counsels on either side. Perused the materials placed on record.

6.Taking into consideration of the facts and circumstances and submissions made by the learned counsels 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 Judicial Magistrate No-II, Thiruvallur, 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/-
19/11/2020

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.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.No.7644

CRL OP.18192/2020

Date :19/11/2020