

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.18240 of 2020

Arunkumar

... Petitioner

Vs.

State Rep by
Inspector of Police,
Pattabiram Police Station,
Tiruvallur.
(Crime No.657 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the bail to the petitioner in connection with Crime No.657 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.V.Jayakumar

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 23.09.2020 for the offences punishable under Section 341, 294(b), 336, 427, 392, 397, 506(2) of IPC, in Crime No.657 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Gopi is that on 22.09.2020, while he was on his way to his shop, the petitioner along with other accused has waylaid him, abused him with filthy language, threatened him by brandishing knife and robbed an amount of Rs.150/- from him and at that time, the defacto complainant has cried and thereby, near by public had gathered there and tried to apprehend them but the petitioner has threatened them and ran away from the scene of occurrence and later they were arrested on the next day i.e., 23.09.2020.

3.The learned counsel appearing for the petitioner would submit that the present case has been registered as sequel to the case in Crime No.654 of 2020, which was registered on the complaint of one Nomonkhan, for the offence under Section 392 of IPC and later it was altered to one under Section 395 of IPC. He would submit that the said Nomonkhan is the person, who had cheated several people by selling duplicate electronic items and that the petitioner had intervened and taken back an amount of Rs.35,000/- from the said Nomonkhan and handed over to the public. Whileso, the police had suspected him to have committed robbery and had registered a false complaint against him. He would further submit that mere reading of FIR, it could be seen that the case has been registered only for the purpose of detaining the petitioner and later during the course of investigation, the police had come to understand the truth in the case and further action for detaining the petitioner has been dropped. 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 along with other accused has waylaid the defacto complainant and robbed an amount of Rs.150/- from him and when the public around gathered to apprehend them, the accused have threatened the public and ran away from the scene of occurrence. He would further submit that there is one previous case pending against the petitioner and the co-accused in this case has been granted bail by this Court.

5.Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 23.09.2020, 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 that petitioner shall 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, Ambattur 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.

6.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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
PATTABIRAM POLICE STATION,
TIRUVALLUR.

+2 CC to Mr.S.V.Jayakumar Advocate on payment of necessary charges
SR.No.7661

CRL OP.18240/2020

Date :19/11/2020