

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18918 of 2020

Selvamani

.. Petitioner

Vs.

The State rep. by

The Inspector of Police

Koothanallur Police Station

Thiruvarur District

Crime No.1597 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.1597 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.Swami Subramanian

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 24.10.2020, for the alleged offence under Sections 386 and 506(ii) of IPC in Crime No.1597 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner waylaid the de-facto complainant and threatened him at knife point and robbed an amount of Rs.200/- from him. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a driver of the vehicle and he is in no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 09.10.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for the respondent would submit that in this case after completion of investigation charge sheet has been filed before the Judicial Magistrate No.II, Mannargudi and the same has not been taken on file. He would further submit that the petitioner is involved in two previous cases, for the offences under Sections 294(b), 323, 506(ii) IPC in Crime Nos.324 of 2019 and 521 of 2018 and also the petitioner is a history-sheeter. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the period of incarceration undergone 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 his executing 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, Mannargudi, Thiruvavur District, and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
02/12/2020

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,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S SWAMI SUBRAMANIAN Advocate on payment of
necessary charges

CRL OP.18918/2020

Date :02/12/2020

MK:03/12/2020

WEB COPY