

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18824 of 2020

Vicky @ Poonai Vicky

... Petitioner/Accused

Vs.

The Inspector of Police,
S6 Sankar Nagar Police Station,
Chennai District.

Crime No. 909 of 2020 ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 909 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

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 30.08.2020 for the offences punishable under Sections 341, 294(b), 392, 397 and 506(2) of IPC in Crime No. 909 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Anandhkumar, is that on 30.08.2020, at above 09.00 a.m., when he was going along Polichalur main road in this cycle, the petitioner has way laid him, point out the knife on his neck and had robbed an amount of Rs.600/- at knife point and thereafter, he has escaped from the spot. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case by the respondent police for statistical purpose. He would submit that the petitioner was granted suspension by this Court in Crl.M.P.No.6688 of 2020 in Crl.R.C.No. 963 of 2020, on 19.11.2020. He would further submit that the petitioner has been suffering incarceration from

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had waylaid the defacto complainant and by threatening him with knife, had robbed an amount of Rs.600/- from him. He would submit that the petitioner is a history sheeter rowdy and he is having four previous cases to his credit. Hence, he opposed to grant bail to the petitioner.

5.Taking into consideration of the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 30.08.2020, 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.II, Chengalpatu 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/-
01/12/2020

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,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-I,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
S6, SANKAR NAGAR POLICE STATION,
CHENNAI DISTRICT.

+1CC to M/S. S.SENTHILVEL Advocate on payment of necessary charges SR NO.7858

CRL OP.18824/2020

Date :01/12/2020

MK:02/12/2020

WEB COPY