

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18888 of 2020

M.Rajkumar

... Petitioner

Vs.

The State rep. by  
The Inspector of Police  
K-11 Koyambedu CMBT Police Station  
Koyambedu Market, Virugambakkam  
Koyambedu, Chennai-600 107.  
Crime No.703 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.703 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Vivekananthan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 07.11.2020 and remanded to judicial custody on 08.11.2020, for the alleged offence under Section 379 of IPC in Crime No.703 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.08.2020 at 5.30 a.m, when the de-facto complainant was cycling at Koyamedu roundana bridge in her bicycle, the petitioner along with another accused who came in a motorcycle stopped her bicycle and asked her to give the cell phone to make a call and when she refused to give it, both the accused snatched the cell phone from her and ran away.

3. The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is a polytechnic student and he has to attend the internal assessment exams to be held from 18.11.2020. He would further submit that the petitioner is in custody 08.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent vehemently opposed this petition stating that the petitioner is having one previous case concerned in Crime No.868 of 2020 on the file of the Thiruverkadu Police Station for the offence under Section 379 of IPC.

5. The learned counsel for the petitioner would submit that in connection with another case in Crime No.868 of 2020 on the file of the T-5 Thiruverkadu Police Station, the petitioner has been arrested on 28.08.2020 and later, he has been released on bail on 07.09.2020 by the Judicial Magistrate No.II, Poonamallee.

6. Taking into consideration the facts and circumstances of the case and also the period of incarceration undergone by the petitioner and also of the fact that the petitioner is a polytechnic student and he has to attend his exams, 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 V Metropolitan Magistrate, Egmore, Chennai, 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 three weeks and thereafter, as and when required for interrogation. If the petitioner has to appear for his Examinations on any day, he is permitted to appear for the examination on that day.

[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 METROPOLITAN MAGISTRATE NO.V,  
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE OFFICER INCHARGE,  
CENTRAL PRISON, (JAIL),

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
K-11 KOYAMBEDU CMBT POLICE STATION,  
KOYAMBEDU MARKET, VIRRUGAMBAKKAM,  
KOYAMBADU, CHENNAI-600 107.

+1CC to Mr.R.Vivekananthan Advocate on payment of necessary charges SR NO.7879

CRL OP.18888/2020

Date :02/12/2020