

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18933of 2020

Rajeshkumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
K7, ICF Police Station
Chennai
Crime No.640 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.640 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.C.Manikandan

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 31.10.2020, for the alleged offence under Section 392 of IPC in Crime No.640 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.10.2020, at about 10.15 p.m, the petitioner who is a two wheeler Driver was engaged under the App RABIDO for a two wheeler ride by the de-facto complainant to go to Otteri and during the travel, in a dark place, he asked the de-facto complainant to get down from the two wheeler and snatched his cell phone from the shirt pocket. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with the alleged offence and that he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 31.10.2020 and 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 is having one previous case for the offence under Section 436 of IPC on the file of the B4 Rajamangalam P.S. 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 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 until further orders.

[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.

6. 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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
K7, ICF POLICE STATION,
CHENNAI.

CC to M/S.C.MANIKANDAN Advocate on payment of necessary charges

CRL OP.18933/2020

Date :02/12/2020

MK:03/12/2020

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