

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19200 of 2020

V.Deepan

... Petitioner

Vs.

State by:-

... Respondent

The Sub Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.

(*) (Crime No.178 of 2019)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioner on bail in **(*)Crime No.178 of 2019**,
pending on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)
in CRL OP.19200/2020

For Respondent : Mr. S.Karthikeyan,
Additional Public Prosecutor
in CRL MP.8959/2020

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.06.2020, for the offences punishable under Section 399 of IPC, in **(*)Crime No.178 of 2019** on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that the alleged offence is said to have taken place in this case on 26.02.2019 and the petitioner had been shown as A4 in this case. The case of the prosecution is that the respondent police, while doing patrol, found the petitioner along with his friends were holding deadly weapons to commit robbery. On enquiry, they were unable to give proper explanation and hence, the respondent police arrested the petitioner along with other accused.

3. The learned counsel appearing for the petitioner would submit that subsequent to the arrest of the petitioner, he was

detained under Act 14 of 1982 on 25.06.2020, which was revoked by the Advisory Board. The contention of the petitioner is that the ground case on which the petitioner was detained, has been shown as ground case in Act 14 of 1982.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused were found with deadly weapons near the Railway Bridge to commit robbery. He would submit that after the arrest of the petitioner, he was detained under Act 14 of 1982 and later, it has been revoked.

5. Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the period of incarceration suffered 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.1I, Thiruvannamalai 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 on his release from prison shall report before the respondent police every day at 10.30 a.m., for a period of two (2) weeks and thereafter, as and when required for interrogation.

(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;

(g) 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];

(h) 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/-
04/12/2020

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.

(*)Amended as per order of this court dated 19/01/2021 in CRL MP.8959/2020 by the Honourable Mr. Justice V. Bharathidasan.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THIRUVANNAMALAI EAST POLICE STATION,
THIRUVANNAMALAI DSITRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. S.THIRUGNANAM Advocate on payment of necessary charges SR.No 663

CRL OP.19200/2020

Date :04/12/2020

MN-07/12/2020

MN-29/01/2021