

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.Nos.19836, 19841 & 19844 of 2020

1.Vignesh ... Petitioners in all the Crl.OP.Nos.
2.B.Premkumar

-Vs.-

The State Represented by ... Respondent in all the Crl.OPs.
The Inspector of Police,
K-6, T.P.Chatram Police Station,
Chennai.
(Crime Nos.442, 270 & 463 of 2020)

Common Prayer: Criminal Original Petitions are filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime Nos.442, 270 & 463 of 2020 on the file of the respondent police.

In all the Crl.OPs.

For Petitioners : Mr.S.V.Karthikeyan

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

COMMON ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.08.2020 for the offences punishable under Section 379 of IPC in Crime Nos.442, 270 & 463 of 2020, on the file of the respondent police, seek bail.

Crl.OP.No.19836 of 2020

2. The case of the prosecution as per the *de facto* <https://hcservices.hcjcourt.gov.in/CsService/CaseDetails.aspx?CaseNo=19836&CaseType=Crl.OP> is that on 30.06.2020, the petitioners

snatched the mobile phone of the defacto complainant.

Crl.OP.No.19841 of 2020

3. The case of the prosecution as per the *de facto* complainant/Esakkimuthu is that on 28.05.2020, the petitioners snatched the mobile phone of the defacto complainant.

Crl.OP.No.19844 of 2020

4. The case of the prosecution as per the *de facto* complainant/Pandu is that on 25.07.2020, the petitioners snatched the mobile phone of the defacto complainant.

5. The learned counsel appearing for the petitioners would submit that this is the second application for bail and the earlier application for bail filed was dismissed by this Court vide Crl.OP.Nos.14737, 14739 and 14752 of 2020 by order dated 22.10.2020. He would submit that on 11.08.2020, the petitioners were arrested in connection with case in Cr.No.521 of 2020 by the of G-3, Kilpauk Police Station, Chennai, registered for offence under Section 379 of IPC and they were produced on PT warrant in these cases. He would submit that the petitioners are young boys aged about 19 and 20 respectively and they have been falsely implicated in this case and that they have been suffering incarceration for the past 96 days from 11.08.2020. He would further submit that present change of circumstances is that the investigation has been completed and final report has been filed in all the three cases before the learned V Metropolitan Magistrate, Egmore, Chennai. Further, in respect of case in Cr.No.442 of 2020, the case has been taken up in C.C.No.3771 of 2020, in respect of case in Cr.No.270 of 2020, the case has been taken up in C.C.No.3768 of 2020 and in respect of Crime No.463 of 2020, the case has been taken up in C.C.No.3772 of 2020 and all the three cases have been posted to 29.12.2020. He would submit that the petitioners are prepared to furnish blood sureties and that they are undertaking to abide by any stringent conditions imposed on them. He would further submit that considering the age of the petitioners, bail may be granted to them.

6. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners are habitual offenders and they have snatched the cell phones from four different persons and based on the complaints given by the victims, the cases have been registered. He would submit that the investigation has been completed and also filed the final report in all the three cases and the cases have been taken on file in C.C.Nos.3771, 3768 & 3772 of 2020 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai. He would further submit that the cases stand posted to 29.12.2020 and there are seven witnesses in each cases and if the petitioners are released on bail at this stage, there is every possibility of the petitioners absconding and it would be difficult for the Magistrate to complete the trial.

7. At this juncture, the learned counsel for the petitioners would reiterate that considering the tender age of the petitioners and period of incarceration, bail may be granted to the petitioners.

8. Taking into consideration the facts and circumstances of the cases and the submissions made by the learned counsels and also considering the age and period of incarceration suffered by the petitioners and the fact that charge sheets have been filed and the same have been taken on file, this Court is inclined to grant bail to the petitioners subject to the following conditions;

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **with two sureties, out of which, one surety shall be either the mother or the father of the petitioners**, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai, 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 petitioners on their release from prison shall report before the learned V Metropolitan Magistrate, Egmore, Chennai, everyday at 10.30 a.m. for a period of six weeks and thereafter, on the date fixed by the Trial Court for trial;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

9. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
14/12/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-6,T.P.CHATRAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+3 CC to M/S S.V.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.8169, 8170, 8171

CRL OP.19836, 19841 & 19844/2020

Date :14/12/2020

TA-15/12/2020

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