

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

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

CRL.O.P.No.19870 of 2020

J.Batcha @ Feroz Khan

... Petitioner

Vs.

State, rep. by  
The Inspector of Police,  
P-6, Kodungaiyur Police Station,  
Chennai.  
(Crime No.1354 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.1354 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.11.2020 for the offence punishable under Section 392 IPC, in Crime No.1354 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Dinesh is that on 01.11.2020 at 9.00 p.m. while he was on his way to a shop, three persons waylaid him and by threatening had snatched his cell phone and an amount of Rs.1,000/- from him and escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is not having any previous cases against him. He would further submit that the co-accused has been enlarged on bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with two other accused waylaid the defacto complainant and snatched his cell phone and Rs.1,000/- from him. He would further submit that the co-accused / A2 in this case, is a Juvenile and has been granted bail and A3 is till absconding.

5.Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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 like sum to the satisfaction of the X 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 petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.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;

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
17/12/2020

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.X,  
EGMORE, CHENNAI.

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

3 THE JAILER,  
SUB JAIL, CHENGALPATTU.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
P-6, KODUNGAIYUR POLICE STATION,  
CHENNAI.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR NO.8382

CRL OP.19870/2020

Date :17/12/2020

MK:18/12/2020