

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

CRL.O.P.Nos.20339 & 20341 of 2020

MADHAN @ MADHANKUMAR

... Petitioner in both Crl. O.Ps.

Vs.

State rep. by its
The Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.
(Crime No.16 & 17 of 2020)

... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime Nos. 16 & 17 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

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

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.03.2020 for the offence punishable under Section 379 of IPC in Crime Nos. 16 and 17 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant in Crl.O.P.No.20339 of 2020 viz. Geetha is that on 14.01.2020 while she was standing in front of her house, two persons in the guise of seeking for address, came near her and snatched three sovereigns of gold chain from her and escaped from the scene of occurrence.

3.The case of the prosecution as per the defacto complainant in Crl.O.P.No.20341 of 2020 viz. Baskar is that he is working as a driver and that on 12.11.2020, while he was returning from his duty, at 23.30 hours, two persons who came in a motor cycle threatened him and snatched his gold chain weighing about one sovereign.

4.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 originally, the petitioner was arrested on 15.01.2020 in Crime No.23 of 2020 registered by the Anahavur Police Station, Tiruvallur District, for the offence under Sections 392, 397, 394 IPC and thereafter he was produced on P.T. Warrant in these two cases on 12.03.2020. He would further submit that the petitioner was detained under Act 14 and the detention order has been quashed by this Court. He would further submit that the petitioner is in custody from 12.03.2020 i.e. for more than seven months and the respondent has not filed the final report in both the cases and the petitioner is entitled for a bail under Section 167(2) Cr.P.C.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner has snatched the chain belonging to the defacto complainants and that apart from these cases, the petitioner is having three other cases against him.

5.Heard the learned counsels on either side. Though there are several cases pending against the petitioner, the respondent has not filed the final report so far in respect of these two cases and that the petitioners are in custody for the past seven months.

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 learned Judicial Magistrate, Cheyyar, 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. 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/-
18/12/2020

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 JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MORNAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OPs.20339 & 20341/2020

Date :18/12/2020

cs 21/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>