

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.20459 of 2020

Gopi

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Vandavasi North Police Station,
Vandavasi,
Tiruvanamalai District.
(Crime No.798 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.798 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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 07.12.2020 for the offence punishable under Section 399 of IPC, in Crime No.798 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Ganesan, Sub Inspector of Police attached to the respondent police is that on 07.12.2020 while he along with his police party was on usual rounds, the petitioner along with other accused was found making preparation to commit robbery and they were apprehended and that a Crowbar and two numbers of two wheelers were seized from their custody.

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 submit that the petitioner has been suffering incarceration from 07.12.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that while the Sub Inspector of Police attached to the respondent police along with his police party was on usual rounds, the petitioner along with other accused was found to be making preparation to commit dacoity. He would further submit that Crowbar and two wheelers (2 Nos.) were seized from their custody. He would submit that the petitioner has got two previous cases to his credit.

5. At this juncture, the learned Counsel for the petitioner would submit admittedly, in order to put fetters on him, a false complaint has been registered against him and that no such incident had happened and that the petitioner was arrested when he had gone to the respondent police station to attend usual inquiry.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering 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, Vandavasi, 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 the 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/-
22/12/2020

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE JAILER,
SUB JAIL, VANDAVASI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
VANDAVASI, TIRUVANNAMALAI.

+1 CC to M/S B.JAWAHAR Advocate on payment of necessary charges
SR.No.8576

सत्यमेव जयते
WEB COPY

CRL OP.20459/2020

Date :22/12/2020

cs 23/12/2020