

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr.JUSTICE V.SIVAGNANAM

CRL.O.P.No.21030 of 2020

Muhajid @ Mujahid

... Petitioner

Vs.

State rep by

The Inspector of Police

Vandavasi North Police Station,

Tiruvannamalai District.

(Crime No.763 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.763 of 2020 on the file of the respondent Police.

For Petitioner : Mr.D.Gopikrishnan

For Respondent : Mr.L.Charles Premkumar
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 20.10.2020 for the offence punishable under Sections 397 IPC in Crime No.763 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner along with other accused went to the Tasmac shop belonging to the *de facto* complainant, attacked the *de facto* complainant with knife and robbed an amount of Rs.21,000/- from the shop. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, due to previous enmity. He would further submit that the petitioner has been suffering incarceration from 20.10.2020 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner along with others accused attacked the *de facto* complainant with knife and

robbed an amount of Rs.21,000/- from the Tasmac shop of the *de facto* complainant. He would submit that there are totally 8 accused in this case and that the co-accused has been granted bail and that there is no previous case as against the petitioner.

5. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five 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 shall report before the respondent police every day 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.

6.With the above directions, this Criminal Original Petition stands ordered.

-sd/-
30/12/2020

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
THIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.D.GOPIKRISHNAN Advocate on payment of necessary charges SR.NO.8767

CRL OP.21030/2020

Date :30/12/2020

GKS:30/12/2020

WEB COPY