

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.422 of 2021

M.Periyakarna @ Karunagaran

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
Cr.No.1544 of 2020.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1544 of 2020 on the file of the respondent police.

For Petitioner : Mr. R. Sasikumar

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Sections 341, 294(b), 336, 427, 397 and 506(ii) of IPC in Crime No.1544 of 2020, seeks bail.

2. Totally, there are 7 accused and the petitioner is A1. The case of the prosecution is that on the date of occurrence the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.2100/- from him at knife point and they have also criminally intimidated him by throwing soda bottles. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that earlier, the petitioner was implicated in another criminal case and when he was appearing before the Court below, the respondent police arrested the accused in this case and he has not committed any offence as alleged by the prosecution. He would further submit that earlier, the petitioner was detained under Act 14 of 1982 and subsequently, it was set aside. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a notorious rowdy element and he is having two previous cases. Some of the co-accused are still absconding in this case. He would further submit that investigation is still pending. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that detention order is set aside 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, Sriperumpathur, Kancheepuram District 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 Judicial Magistrate, Sriperumpathur, Kancheepuram District, daily at 10.30 a.m., on all working days 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 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.

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

-sd/-
01/03/2021

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,
SRIPERUMPATHUR, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.2550

CRL OP.422/2021

Date :01/03/2021

TA-02/03/2021

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