

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1267 of 2021

Goundan @ Mohankumar

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Mettur Police Station,
Salem District.
Cr.No.15 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.15 of 2021 on the file of the respondent police.

For Petitioner : Mr. S. Doraisamy

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 04.01.2021 for the offence punishable under Sections 341, 294(b), 392, 397 and 506(ii) of IPC in Crime No.15 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, petitioner waylaid the defacto complainant, abused him in filthy language and threatened him and also robbed a sum of Rs.2500/- at knife point. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and in order to detain him under Act 14, a false case has been foisted against him. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has threatened the defacto complainant and robbed a sum of Rs.2500/- at knife point. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, 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-1, Mettur, 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 daily 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 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/-

26/02/2021

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 NO.I,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
METTUR POLICE STATION,
SALEM DISTRICT.

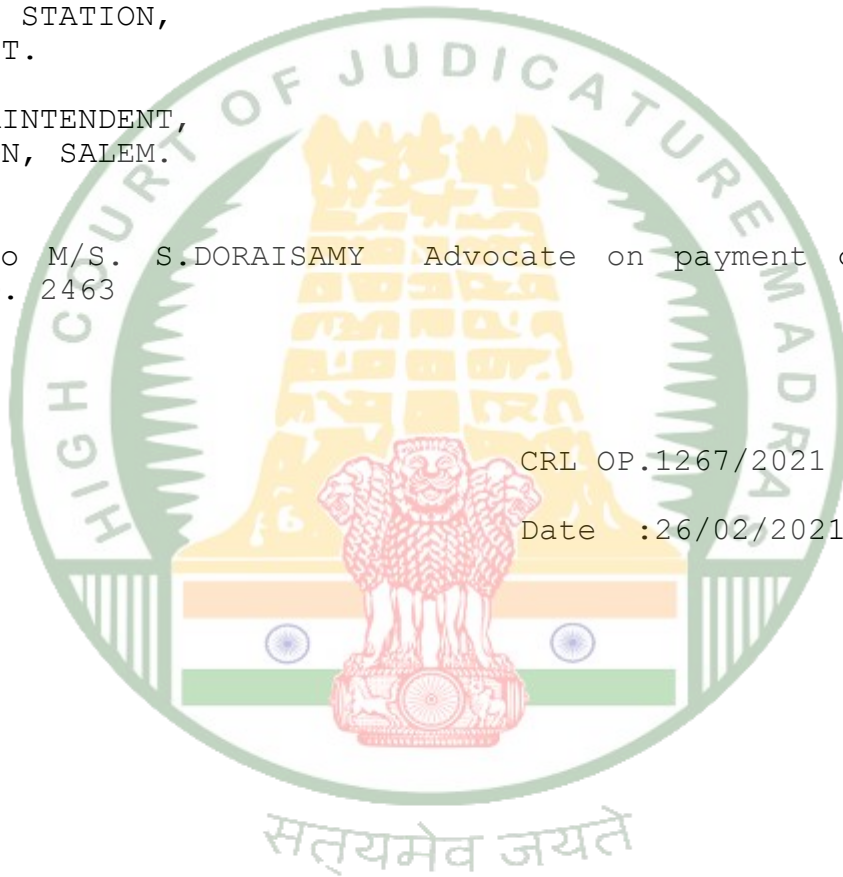
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. S.DORAISAMY Advocate on payment of necessary
charges SR NO. 2463

CRL OP.1267/2021

Date :26/02/2021

MN-01/03/2021



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