

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2361 of 2021

Eswaran

... Petitioner

Vs.

State rep.by its
The Inspector of Police,
Veeranam Police Station,
Salem District.
Crime No.183 of 2019.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in Crime No.183 of 2019 on the file of the respondent police.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mrs. M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the offence punishable under Sections 341, 394, 397 & 506(ii) of IPC, seeks bail.

2. Totally, there are 4 accused and the petitioner is A4. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and snatched 2 sovereign of his gold chain at knife point and demanded a sum of Rs.1 lakh and also criminally intimidated him. Hence the complaint came to be registered, and the petitioner was arrested on 28.02.2021.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. The main accused A1 in this case has already been released on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a notorious rowdy element and he is already involved in two previous cases. On the

date of occurrence, all the accused waylaid the defacto complainant, snatched his chain and also demanded Rs.1 lakh at knife point. Investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that main accused/A1 in this case was already released on bail and investigation is almost completed and also taking note of 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-IV, Salem, 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 appear 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 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 is ordered.

-sd/-

03/03/2021

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,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

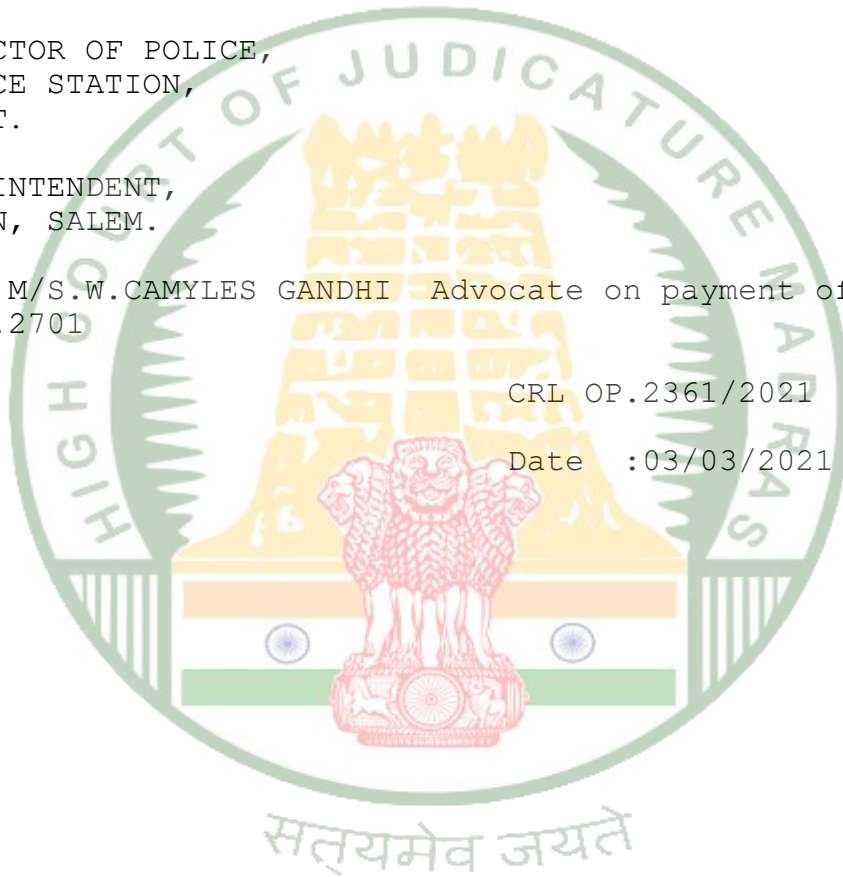
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.2701

CRL OP.2361/2021

Date :03/03/2021

TA-04/03/2021



WEB COPY