

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.06.2021
CORAM :
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR
Crl.O.P.No.9253 of 2021

Ashok A

... Petitioner

Vs.

State represented by
The Inspector of Police,
P2 Otteri Police Station,
Pulianthope,
Chennai.
(Crime No.327 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No. 327 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Saravanan

For Respondent : Mr.E.Raj Thilak
Counsel for Government of Tamil Nadu
(Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner (A3), who was arrested and remanded to judicial custody on 14.04.2021 for the offences under Sections 341, 294(b), 323, 336, 392, 397 and 506(ii) IPC in Crime No.327 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on the date of occurrence, at about 12.00 noon, when the de facto complainant was going near Farooq Hotel for serving food, the petitioner along with two other accused are alleged to have interrupted and abused him in filthy language and asked to take out the money. When the de facto complainant denied, A1, at the knife point, snatched Rs.1,650/- from the de facto complainant's pocket. When he shouted, the public came there for rescue and the petitioner and the other accused ran away from the scene. Thereafter, the de facto complainant lodged a complaint with the respondent police.

3.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and he is no way connected with the offence. He further submitted that A1 and A2 have been granted bail by the I Additional Sessions Judge, Chennai, on 19.05.2021.

4.The learned counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent objected to the grant of bail.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Considering the fact that A1 and A2 have already been granted bail and the nature of overt acts alleged against the petitioner herein (A3) and also the period of incarceration undergone by the petitioner/accused and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Puzhal, Chennai, in which the petitioner is confined and on such execution of the bond, the petitioner shall be released from prison;

(b) After the lockdown restrictions are lifted and normalcy is restored, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai, failing which, the bail granted by this Court shall stand automatically dismissed. The bond shall be executed within a reasonable period of one month from the date the lockdown restrictions are lifted.

(c) If for any reason, the petitioner is not able to execute the bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(d) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai.

(e) After the lockdown restrictions are lifted and normalcy is restored, the petitioner shall abide by the following conditions imposed by this Court. He shall not interfere, influence or cause hindrance to the pending investigation.

(f) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(g) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(h) the petitioner shall not abscond either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned 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]; and;

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Accordingly, this Criminal Original Petition is ordered.

-sd/-

03/06/2021

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 METROPOLITAN MAGISTRATE NO.X,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P2 OTTERI POLICE STATION,
PULIANTHOPE, CHENNAI.

CC to M/S.N.SARAVANAN Advocate on payment of necessary
charges

CRL OP.9253/2021

Date :03/06/2021

MK:04/06/2021



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