

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9581 of 2021

Prakash

... Petitioner/Accused No.2

Vs.

State represented by
The Inspector of Police,
Baluchettychathiram Police Station,
Kancheepuram District.
Crime No.257 of 2021.

... Respondent/Complainant

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.257 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.M.Sankar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 13.04.2021 and remanded to judicial custody for the offences under Sections 294(b), 341, 398 of I.P.C, 1860 in Cr.No.257 of 2021 on the file of the respondent police, seeks bail.

2. There are totally two accused in this case. The case of the prosecution is that the petitioner/A2 along with A1 restrain the defacto complainant and same abused filthy language, thereafter they attempt to commit robbery with knife point. Hence, the complaint.

3. The learned counsel for the petitioner submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 13.04.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioner/A2 along with A1 restrain the defacto complainant and same abused filthy language, thereafter they attempt to commit robbery with knife point. He further submitted that the investigation is still pending.

5. Considering the period of incarceration suffered by the petitioner 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jailer of the Sub-Jail, Kanchipuram in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a own bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate-I, Kanchipuram, failing which, the petition for bail granted by this Court shall stand dismissed. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

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

(iii) 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 Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate-I, Kanchipuram.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

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

(e) He/she shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(g) 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;

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

-sd/-
26/05/2021

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,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, KANCHIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BALUCHETTYCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.G.M.SANKAR Advocate on payment of necessary charges

CRL OP.9581/2021

Date :26/05/2021

MK:31/05/2021