

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.No.9701 of 2021

R.Manikandan

... Petitioner

Vs.

State represented by

The Inspector of Police,
Paramathi Police Station,
Namakkal District.

Crime No.234 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.234 of 2021 pending investigation the file of Respondent Police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner who was arrested for alleged offence under Section 392, 397 of IPC in Crime No.234 of 2021 and remanded to judicial custody on 25.04.2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Suganthi, daughter of Kumaravel gave a complaint to the respondent police stating that on 24.04.2021 at about 11 p.m., she was waiting for bus at Keel Paramathi Bus Stop along with her friend Selvi at that time a known person / petitioner came by car and pick up both in his car and later at about 11.15 pm., near Arthanaripalayam burial ground all the accused persons were threatened and snatched the gold ring and gold ear ring. Hence the complaint.

3.The learned counsel for the petitioner submit that the petitioner herein is A2 in Crime No.234 of 2021 on the file of the Paramathi Police Station, Namakkal District. The other accused A1 and A3 were granted bail by the learned Vacation Sessions Judge, Namakkal. The bail petition of this petitioner alone was dismissed on the ground that one previous case is pending against the petitioner. The petitioner submits that he is innocent and no way connected with the alleged offence and he

never snatched any jewel at any point of time. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) concedes that the petitioner is having one previous case under Section 379 IPC. One sovereign gold is yet to be recovered from the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner, other co-accused were granted bail by the Learned Vacation Sessions Judge, Namakkal on 13.05.2021 in Crl.M.P.Nos.690 & 691 of 2021 respectively 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Sub Jail, Namakkal, 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 own bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the Judicial Magistrate Court, Paramathi. 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 Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the Judicial Magistrate Court, Paramathi.

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

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

(f) 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;

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

-sd/-
27/05/2021

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 COURT,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SESSIONS JUDGE,
NAMAKKAL.

4 THE OFFICER INCHARGE,
SUB-JAIL, NAMAKKAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PARAMATHI POLICE STATION,
NAMAKKAL DISTRICT.

CC to C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.9701/2021

Date :27/05/2021