

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9794 of 2021

Raja

... Petitioner/Accused

Versus

State rep. by

The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

(Crime No.122 of 2021)

... Respondent /Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in Crime No.122 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.G.Raj Thilak,
Counsel for Government (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2021 for the offence punishable under Sections 341, 294(b), 392, 397, 506(ii) of IPC in Crime No. 122 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.04.2021, the petitioner herein came in a Harley Davidson two wheeler bearing registration No.TN-12-Q-6226, waylaid the defacto complainant and demanded money from him. When he refused the same, all of a sudden the petitioner took the knife and tried to attack him. However he escaped from him and thereafter the petitioner taken away the cash of Rs.3,000/- from the defacto complainant's packet. Hence the complaint.

3. The learned counsel for the petitioner would submit that on the face of the false complaint a case has been registered as against the petitioner. This is the first bail application before this Court and earlier bail application of the petitioner was dismissed by the court below in CrI.M.P.No.1946 of 2021 dated 26.05.2021 on the ground that the case is in very premature stage and only part of an amount is recovered. He would further submit that in order to detain the petitioner under 'Goondas Act' the present case has been foisted and the complaint itself would show that it is highly artificial. Further, the petitioner is said to have proceeding in his Harley Davidson bike bearing registration No. TN-12-Q-6226, which is a high end bike and it is improbable that a person using such a bike would indulge in such kind of activities. Therefore, he prays to release the petitioner on bail.

4. The learned counsel appearing for the respondent would submit that the petitioner is a history sheeter from the year 2009 and he got 7 previous cases. Out of which two cases are coming under Section 302 IPC and it is in PRC stage. Further the petitioner waylaid the defacto complainant and taken Rs.3,000/- from him by showing knife. Further an amount of Rs.1,500/- only recovered from the petitioner at the time of arrest. Therefore he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and though the petitioner is having 7 previous cases, in all the cases he has been granted bail and moreover keeping him in jail would not serve any purpose during this Covid-19 pandemic situation, therefore, 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 concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) On release, the petitioner shall stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station, Trichy, daily at 10.30 am, until further orders, except on the days, whenever he is required to appear before the Courts in connection with other cases.

(d) 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;

(e) the petitioner shall not commit any offences of similar nature;

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

(g) the petitioner shall not tamper with evidence either during investigation or trial;

(h) 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].

(i) 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/-
08/06/2021

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 JUDICIAL MAGISTRATE,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

WEB COPY

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELLORE NORTH POLICE STATION,
VELLORE DISTRICT.

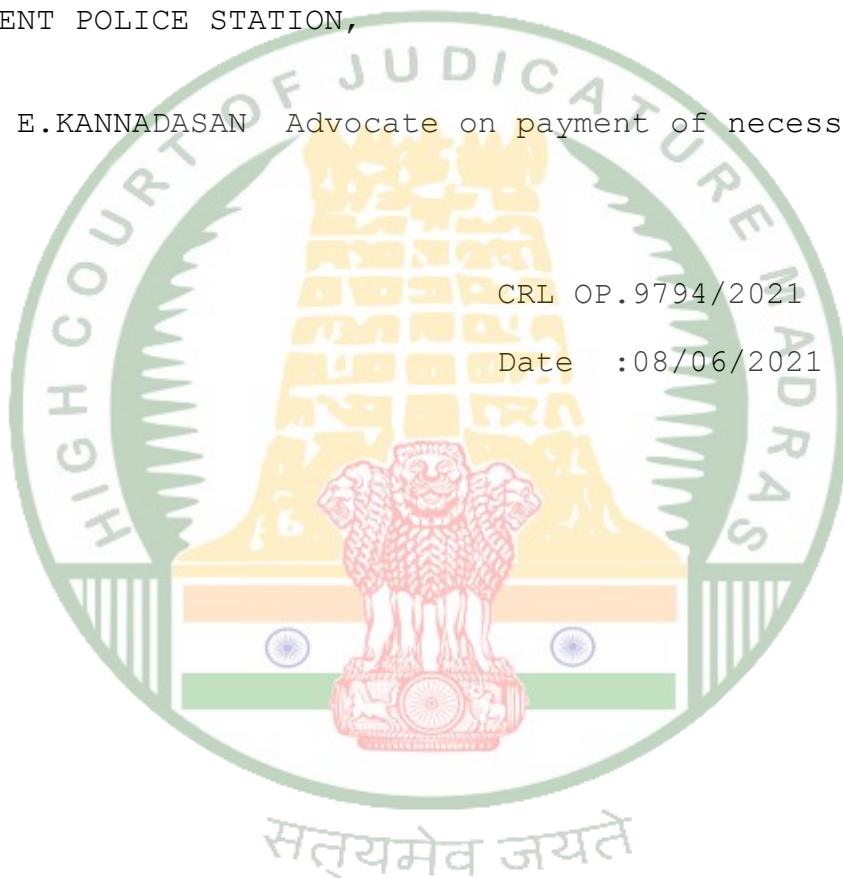
6 THE INSPECTOR OF POLICE
TRICHY CANTONMENT POLICE STATION,
TRICHY.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.9794/2021

Date :08/06/2021

cs 09/06/2021



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