

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20607 of 2020

S.Sivakumar

... Petitioner

Vs.

The State Rep. By
The Inspector of Police
E-1, Singanallur Police Station,
Coimbatore District.
(Crime No.2136 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2136 of 2020 registered by the respondent police.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner was arrayed as A1. Totally there are four accused in the present case. The petitioner, who was arrested and remanded to judicial custody on 02.12.2020 for the offence punishable under Sections 387, 506(ii) of I.P.C. read with Section 4 of TNPHW Act in Crime No.2136 of 2020, seeks bail.

2. The case of the prosecution is that on 27.11.2020, when the defacto complainant along with her friend travelling in their car, all the accused waylaid the defacto complainant and snatched away a sum of Rs.15,000/-, TV, Laptop and Cell phone and therefore, he was arrested and remanded to judicial custody on 02.12.2020.

3. The learned counsel appearing for the petitioner would submit that the occurrence was taken place on 27.11.2020 and the complaint was given on 02.12.2020 after five days of the occurrence and that there is no explanation for such delay. He would further submit that the properties were recovered, the petitioner is in

jail for more than one month. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently opposed to enlarge the petitioner on bail on the ground that the petitioner is the main accused and all the other accused are absconding. The petitioner and the other accused waylaid the defacto complainant at night hours and stolen away the properties. The petitioner is in judicial custody only for one month.

5. Taking into consideration of the facts and circumstances of the case, as the stolen properties were recovered, and also considering 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 No.III, Coimbatore, 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, on his release from prison, shall report before the respondent police everyday 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/-
05/01/2021

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1 SINGANALLUR POLICE STATION,
COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S A.MOHAMED ISMAIL Advocate on payment of necessary charges

WEB COPY

CRL OP.20607/2020

Date :05/01/2021

MN-06/01/2021