

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Ms. Justice R.MALA

CRIMINAL ORIGINAL PETITION No.501 of 2017

MANIKANDAN @ DHADHA MANIKANDAN [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE STATION HOUSE OFFICER,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.629 OF 2016.

For Petitioner : M/S.K.GANDHI KUMAR Advocate

For Respondent : MR.B.RAMESH BABU, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as A1 and he was arrested and remanded to judicial custody on 04.11.2016 for the alleged offences punishable under Sections 294(b), 341,353,506(ii),307,332,511 of I.P.C and 4(1) (a) and 5 of Explosive Substance Act 1908, in Crime No.629 of 2016 on the file of the respondent police and hence, prays for enlargement on bail.

2. The specific direction has been given by this Court on 12.01.2017 for production of case diary. But, they have not produced the case diary today.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as an accused in connection with the case in Crime No.629 of 2016. He was formally implicated in this case and his name has not been mentioned in the F.I.R. The alleged occurrence said to have taken place on 02.11.2016 and on that date, he was in jail. He was formally implicated during the investigation and arrested formally on 04.11.2016. He further submitted that the petitioner was first arrested in connection with crime No.698 of 2016 on 20.10.2016 and he was granted on bail by this Court on 02.11.2016. But in the meanwhile, he was shown as formally arrested on 03.11.2016 in connection with Crime No.6 of 2016 and he was granted bail on 15.11.2016. During the pendency, he was arrested for the present case in Crime No.629 of 2016 for the occurrence took place on 02.11.2016. But he was arrested formally on 04.11.2016. It is further submitted

that after the dismissal of earlier application, investigation is considerably over. Hence, he prays for enlargement on bail.

4. Resisting the same, the learned Government Advocate (Crl.side) would submit that the petitioner is an habitual offender. He is involved in so many cases. He would further submit that the petitioner was enlarged on bail in connection with the cases in Crime Nos.6 and 629 of 2016. The investigation is going on and hence, he prays for dismissal.

5. Considering the rival submissions made on both sides, it is true, the petitioner was arrested in connection with Crime No.698 of 2016 on 20.10.2016. He was granted on bail on 02.11.2016. It is also pertinent to note that he has also shown as formally arrested on 03.11.2016 in Crime No.6 of 2016, in which, the petitioner was granted bail on 15.11.2016. But the F.I.R in the present Crime No.629 of 2016 shows that one Rajesh and Gowtham alone were cited as accused. The petitioner was kept in jail in connection with the other criminal cases. But there is no iota of evidence to show that on petitioner instruction only, the other accused had thrown the country bomb. Furthermore, it is pertinent to note that the petitioner is suffering from some ailment. In such circumstances, I am inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Vanur, Villupuram District and on further condition that the petitioner shall report before the Court concerned daily at 10.30 a.m. until further orders.

-sd/-

19/01/2017

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,
VANUR, VILLUPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY
THE STATION HOUSE OFFICER,
KOTTAKUPPAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+1 CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary
charges SR.NO. 1241

CRL OP.501/2017

Date :19/01/2017

RD 19/01/2017