

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.27792 of 2019

K.KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT,
DHARMAPURI.
CR.NO.1/2018.

[RESPONDENT]

For Petitioner : M/S.KUMARESAN Advocate for
M/S.N.ELUMALAI Advocate

For Respondent : MR.R.PRATHAP KUMAR ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.A.ILAYAPERUMAL Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is arrayed as 9th accused and he said to have acted as a Driver of the prime accused namely A-8. The petitioner / A-9 along with A-8 were arrested on 28.09.2019 for the alleged commission of offences under Sections 120-B, 465, 468, 471 and 420 IPC in Crime No.1/2018.

2. Mr.Kumerasan, learned counsel appearing for the petitioner would submit that the petitioner is a Ex-Para Military Staff and he is a native of Thiruvannamalai District and joined the service of A-8 as a Driver and his allegation is that he acted as Security Guard and was alleged to be in possession of Air Gun at the time of his arrest and however, he has nothing to do with the commission of offences.

3. The learned Additional Public Prosecutor would submit that the petitioner is not having any antecedents and at the time of his arrest, it came to the knowledge of the respondent Police that he has also acted as Security Guard and was in possession of Air Gun.

4. The learned counsel appearing for intervenor / defacto complainant would submit that the petitioner, knowing pretty well about the antecedents of the A-8 / his employer namely Mr.A.R.Chandran, has actively assisted in the arbitral proceedings, as if he is a Judge and strongly opposes the application for bail.

5. This Court has considered the rival submission and also perused the material placed before it.

6. It *prima facie* appears that the petitioner is no way involved in the commission of offences for which the other accused are charged and the allegation is that at the time of arrest, he was the Driver and said to have acted as Security Guard and was in possession of Air Gun and that apart, he has joined the service of A-8 only about six months back and he is also not having any bad antecedents.

7. In the light of the facts and circumstances, the petitioner / 9th accused is enlarged on bail, subject to condition that the petitioner shall 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 Judicial Magistrate No.II, Dharmapuri and he shall report before the respondent Police as and when required.

-sd/-

17/10/2019

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.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT,
DHARMAPURI.

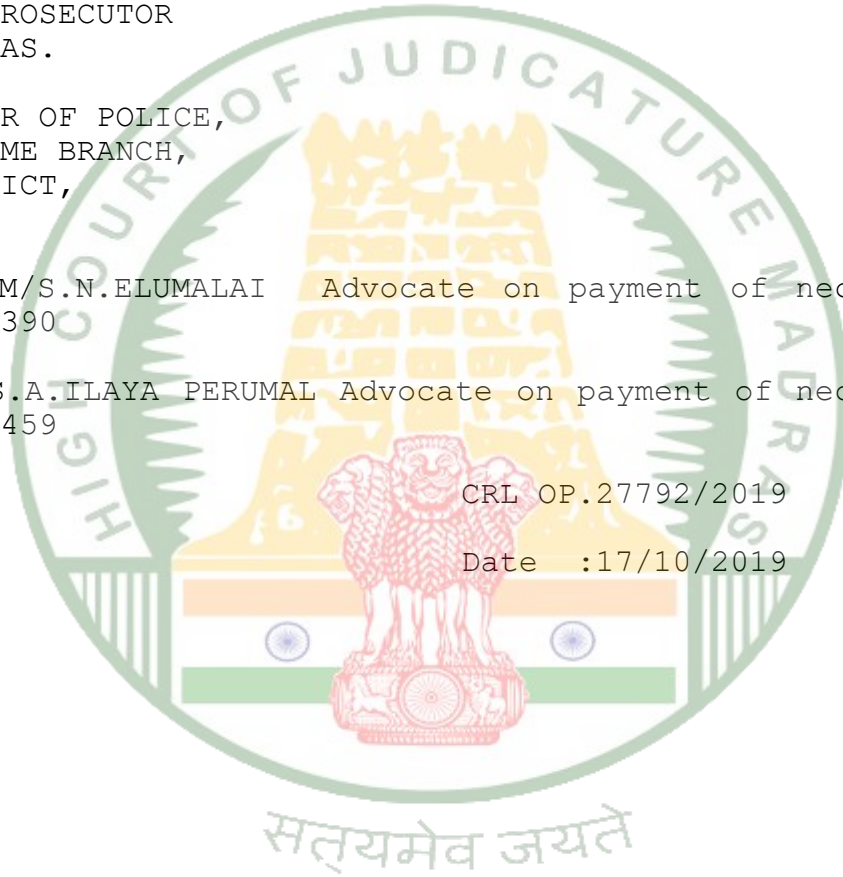
+1CC to M/S.N.ELUMALAI Advocate on payment of necessary
charges SR NO.21390

+1CC to M/S.A.ILAYA PERUMAL Advocate on payment of necessary
charges SR NO.21459

CRL OP.27792/2019

Date :17/10/2019

MK:18/10/2019



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