

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7744 of 2020

Elumalai @ Panni Elunmalai

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Auroville Police Station,
Villupuram District,
Cr. No.413 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.413 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner was arrested and remanded to judicial custody on 24.04.2020 for the offence punishable under Sections 294(b), 387 and 506(ii) of IPC in Crime No.413 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant working as a Manager in VP SEA FOODS. On 24.04,2020 at about 05.00 AM the defacto complainant along with his colleagues was taking prawn in Eicher closed type Van. As routine they were delivering prawns to the street vendors near Kalaivanar Nagar service road KFC. At that time, the petitioner appeared and abused them in filthy language. Further by brandishing knife threatened the defacto complainant by saying that he was a local rowdy and the defacto complainant has to pay Rs.500/- for each box or otherwise he will be done to death and also attempted to stab them. But the defacto complainant and his colleagues somehow managed and escaped from the scene of occurrence. Hence the complaint was registered.

3. The contentions of the learned counsel for the petitioner is that the petitioner is also taking their business. Earlier, this petitioner had involved in some criminal cases in pondicherry upto the year 2012. He would further submit that the petitiouer is an innocent person and he did not commit any offence as alleged by the prosecution. The learned counsel would further submit that the petitioner has been falsely implicated in this case. Further he submits that the petitioner is in judicial custody from 24.04.2020 and hence, he seeks bail for the petitioner. Therefore, he prays for grant of bail to the petitioner. The petitioner has not bad antecedents.

4. The learned Additional Public Prosecutor would submit that the petitioner had committed two 302 IPC cases and one 302 IPC case is still pending trial. The petitioner acquitted in some cases and some cases are pending against him. Hence he vehemently opposed for grant of bail to the petitioner.

5. The learned counsel for the petitioner would submit that most of the case, the petitioner has appeared before the trial Court and participating in the trial. Further all the cases, he had been granted bail. He further submit that he shall file an affidavit assuing his good conduct and co-operate with the enquiry with trial.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing 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 on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner not to enter except for the pending hearing all the cases against him and summons received by the respondent police.

(e) the petitioner has to file an affidavit before the Superintendent, Central Prison, Cuddalore and before the Judicial Magistrate, Vanur. After lock down, the petitioner shall appear before the respondent police every Saturday at 10.30. a.m., until further orders.

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

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

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

(i) 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].

(j) 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/-

26/05/2020

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 PRINCIPAL SESSIONS JUDGE,
VILLUPURAM.

2 THE JUDICIAL MAGISTRATE,
VANUR

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
AUROVILLE POLICE STATION,
VILLUPURAM DISTRICT

7 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE), ADYAR,
CHENNAI - 600 020 ANDHRA BANK,
MADHYA KAILASH BRANCH (SB A/C.NO.149710011005477)

CC to S.SURESH Advocate on payment of necessary charges

CRL OP.7744/2020

Date :26/05/2020

MK:19/08/2020

सत्यमेव जयते

WEB COPY