

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P. No. 8166 of 2020

Immanuvel

.. Petitioner

Vs

State Represented by
The Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kancheepuram District.
Crime No.1803 of 2020

.. Respondent

Prayer :- Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.1803 of 2020 by the respondent police.

For Petitioner : Mr.G.M.Shankar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

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ORDER

The petitioner who was arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under **Section 399 of**

IPC and Section 25(1)(a) of Indian Arms Act in Crime No.1803 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.05.200, the petitioner along with 4 others, was preparing to commit dacoity armed with machetes. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner has been suffering incarceration from 15.05.2020. Hence he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with 4 others, was preparing to commit dacoity and they were found in possession of machetes. He further submitted that there is one previous case against the petitioner. Hence, he opposed for the grant of bail to the petitioner.

5. Considering the above facts and circumstances and the period of incarceration undergone by the petitioner from 15.05.2020, 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 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one shall be a blood surety**, before the concerned Magistrate on or before 05.07.2020, 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 shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.**

(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 or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.06.2020

Index : Yes/No
Internet : Yes/No
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To

1. The Judicial Magistrate-I, Kanchipuram.

2. The Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

4. The Superintendent
Sub Jai, Kanchipuram.

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A.D.JAGADISH CHANDIRA, J.

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