

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M. NIRMAL KUMAR**

Crl. O.P. No.8755 of 2020

Murugan (M/42)
S/o. Rajamanickam

.... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
(Crime No.108/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.108 of 2020 pending on the file of the respondent police.

For Petitioner. : Mr. V. Elangovan

For Respondent: Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on **14.05.2020** for the alleged offences punishable under Sections **307 of**

Indian Penal Code and 4(a) of the Explosives and Substances Act in Crime No.108 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.02.2020, the defacto complainant namely Muthu Selvan who was taking treatment as inpatient in Kamatchi Hospital, Pallikaranai had given a statement to the police that there was a previous enmity between him and the petitioner with regard to a funeral of a person due to which, on 17.02.2020, when the defacto complainant was returning home in his two wheeler, the petitioner along with three others way laid the defacto complainant and attacked him with bill hook when he tried to escape, the petitioner and others have thrown country bomb on the defacto complainant. On hearing the sound, public gathered and the accused persons ran away from the scene of occurrence. Hence the complaint was registered.

3.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged occurrence and that the petitioner's name is not found in the FIR, only based on the confession of the co-accused, the petitioner had been arrayed as an accused in this case.

Further he would submit that there is no specific overt-act made against the petitioner. Totally there are 5 accused in this case and the petitioner is shown as A5 and that the co-accused/A2 to A4 were already granted bail. He further submitted that A1 is the sister's son of A5. Due to the relationship and dispute between the defacto complainant and A5 and A3, the petitioner's name has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A5 is the head of the team who is the brain behind the entire group. A1 is the sister's son of A5, A2 to A4 are friends of A1 by using them, the petitioner had prepared the country bomb and handed over the same to A1. Accordingly, A1 used the country bomb to eliminate A5's rival which got exploded in a public road caused anxiety among the public. Further, the bomb culture is introduced in the city taking the offences to a different level. Hence, he vehemently opposed for the grant of bail to the petitioner.

5.Considering the facts and submissions and materials available, it is seen that A2 to A4 have already been granted bail in this case. Further, the

petitioner is in confinement from 14.05.2020 and that the petitioner has no bad antecedents. Therefore, this Court is inclined to grant bail to the petitioner subject to the following conditions:

- (a) 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 their release;
- (b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within 15 days from the date of lifting of the lockdown and commencement of regular functioning of the Court below, 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 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 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]***;
- (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.

16.06.2020

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order
SSI

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M. NIRMAL KUMAR, J.

SSI

To

1. The Judicial Magistrate No.II,
Alandhur.
2. The Inspector of Police,
S-10, Pallikaranai Police Stati
Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Poonamallee.



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