

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9005 of 2020

1.Anbazhagan
2.Loganathan
3.Ranjith Kumar

... Petitioners

Vs.

State rep.by
Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
Crime No.1030 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioners /accused on bail and release them from the custody in Crime No.1030 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.G.Punniakoti

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

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 06.06.2020 for the offences punishable under Section 399 of IPC r/w Section 25(1)(a) of Indian Arms Act in Crime No.1030 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused planned to commit dacoity and they were armed with deadly weapons like knife and wooden logs. They were arrested on 06.06.2020, by the respondent police and the weapons were seized from the petitioners.

3. The contention of the learned counsel for the petitioners is that the petitioners were called for enquiry on suspicion and thereafter, they have been included in this case. The petitioners are no way connected with the other co-accused and the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody

from 06.06.2020 and also submitted that one of the accused in this case was granted bail by this Court on 18.06.2020, in CrI.O.P.No.8929 of 2020. Therefore, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that totally there are five accused. The petitioners along with other accused making preparation to commit dacoity with deadly weapons like knife and wooden logs. Thereafter, the respondent police gone to the scene of occurrence and arrested the accused along with deadly weapons and FIR has been filed. He also submitted that the petitioners have involved in the case under Section 307 IPC. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 06.06.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of 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 petitioners shall report before the respondent police as and when required for interrogation;

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned 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.

-sd/-
19/06/2020

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 DISTRICT AND SESSIONS JUDGE,
KANCHEEPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.2, KANCHIPURAM.

3 THE OFFICER INCHARGE
SUB-JAIL, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
BALUCHETTYCHATHIRAM POLICE STATION,
KANCHIPURAM DISTRICT.

CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges

WEB COPY

CRL OP.9005/2020

Date :19/06/2020

cs 29/09/2020