

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2020

CORAM

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

CrI.O.P.No.9228 of 2020

Pandiyan
S/o.Raju
No.52, Kailasanathar Koil Mettu Street
Kancheepuram ... Petitioner

Vs.

State rep. by
Inspector of Police
Shiva Kanchi Police Station
Periya Kancheepuram
Kancheepuram District 631 502 ... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail pending investigation in Crime No.2176 of 2020 on the file of the respondent police.

For Petitioner : Mr.Shabeer
For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.05.2020 for the offences punishable under Sections 147, 448, 323, 506(I) IPC read with Section 3(1) of TNPPDL Act in Crime No.2176 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is arrayed A-3 is the employee of the Kanchi Udasin Mutt for more than two years. The petitioner is reporting to Arumugam, Manager who has been arrayed as A-1. They assaulted and intimidated the security officer/*de facto* complainant of the Mutt, when he attempted to close the gate of the Mutt.

3.The learned counsel for the petitioner submitted that the co-accused/ A-1 & A-5 were granted bail by this Court in Crl.O.P.Nos.8551 of 2020 dated 12.06.2020 and Crl.O.P.No.8775 of 2020 on 16.06.2020 respectively.

4.The learned Additional Public Prosecutor submitted that the petitioner along with other accused persons attacked the *de facto* complainant and caused damages to the properties of the Mutt. Hence, he opposed for grant of bail.

5.In view of the fact that co-accused were enlarged on bail, 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 and thereafter on his release;

(b)the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate No.I, Kancheepuram, within 15 days from the date of lifting of lockdown and the commencement of the Court's normal functioning, 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 Aadhaar 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 to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court ;

(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 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];

(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.

23.06.2020

gya

सत्यमेव जयते

WEB COPY

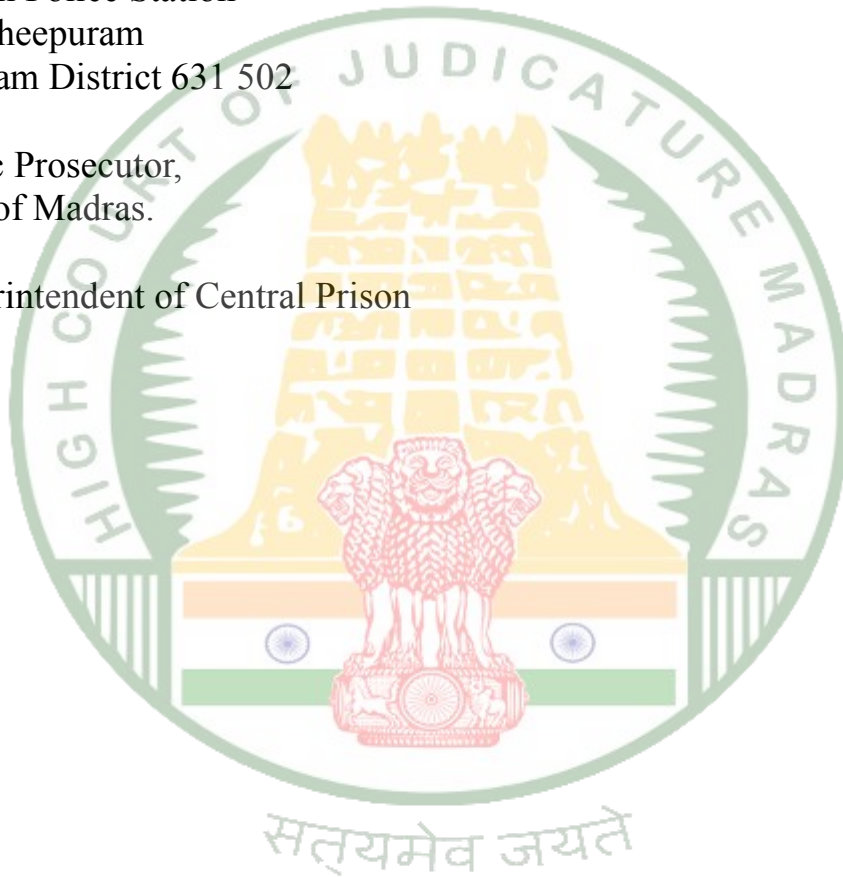
To

1.The Judicial Magistrate Court No.I
Kancheepuram

2.Inspector of Police
Shiva Kanchi Police Station
Periya Kancheepuram
Kancheepuram District 631 502

3.The Public Prosecutor,
High Court of Madras.

4. The Superintendent of Central Prison
Puzhal



WEB COPY

A.D.JAGADISH CHANDIRA, J.

gya



Crl.O.P.No.9228 of 2020

WEB COPY

23.06.2020