

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.06.2020
CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9424 of 2020

1. Sadaiyandi @ pandi @ Palapandi
2. Akil

... Petitioners

-vs-

The State represented by
Inspector of Police,
E-3 Saravanampatti Police Station,
Coimbatore District
(Cr.No.377 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 377 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr. M.N.Balakrishnan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 01.03.2020 for the offences punishable under Sections 285 of I.P.C. @ 285 of I.P.C. and Section 3 of Explosive Substances Act, 1908, in Crime No.377 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the de-facto complainant is that in order to wreak vengeance for attack on a cadre belonging to their organization, the petitioners have hurled petrol bomb into the mosque.

3.The learned counsel for the Petitioner would submit that the petitioners are innocent. They were arrested on 01.03.2020 subsequently they were detained under National Security Act. Later the Government had revoked the detention order vide G.O.Nos.262 and 263 dated 14.05.2020. He would further submit that the petitioners are in jail for morethan 90 days and no final report has been filed till date.

4.The learned Additional Public Prosecutor would submit that the Petitioners who belongs to political outfit, in order to take revenge for the attack on their cadre have hurled petrol bomb into the mosque. Fortunately, the same had not exploded. He would

further submit that final report has not been filed and the detention order has been revoked.

5. Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioners were in jail from 01.03.2020, this Court is inclined to grant bail to the Petitioners subject to the following conditions:-

(a) Accordingly, the Petitioners are 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 have been confined and thereafter on their release;

(b) the Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Coimbatore within 15 days from the date of lifting of the 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 Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police every Monday at 10.30 a.m., until further orders.

(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 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.

-sd/-
25/06/2020

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

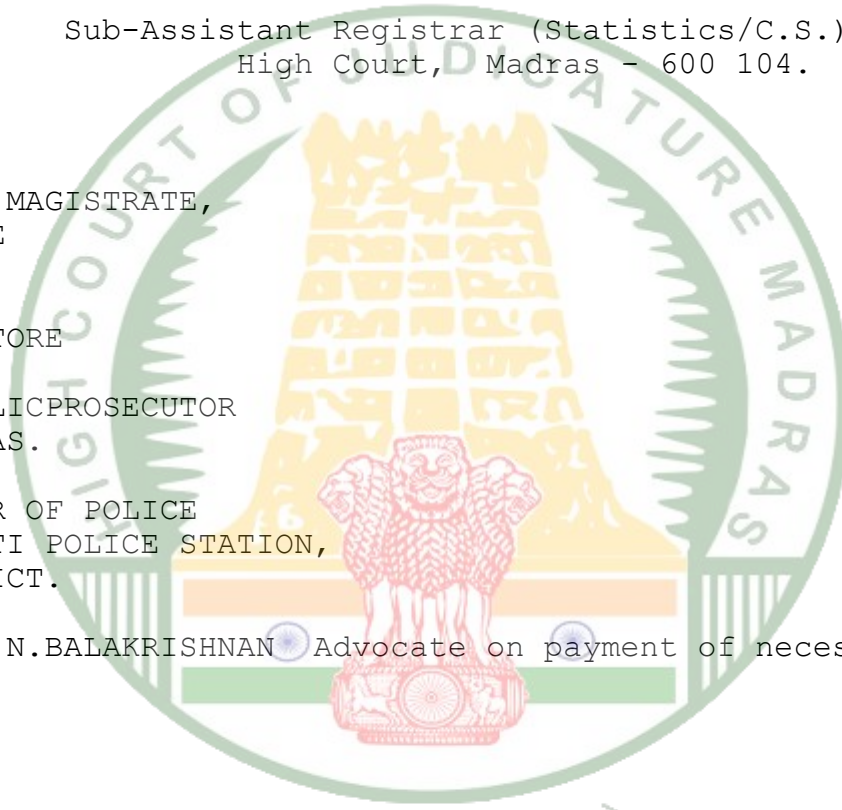
1 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

2 THE JAILOR
SUB-JAIL, COIMBATORE

3 THE ADDL.PUBLICPROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
E-3 SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges



सत्यमेव जयते

CRL OP.9424/2020

Date :25/06/2020

rd 27/07/2020

WEB COPY