

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

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

CrI.O.P.No.9568 of 2020

Prabakaran

.. Petitioner

/versus/

State Rep. by

The Inspector of Police,

Panruti Police Station,

Cuddalore District - 607 106,

Crime No.346 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail relating to Crime No.346 of 2020 on the file of the Inspector of Police, Panruti Police Station, Cuddalore District.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.05.2020 for the alleged offence punishable under Sections 147, 148, 324, 307 and 302 IPC subsequently altered into Sections 109, 120(b), 147, 148, 201, 302, 307 and 324 IPC in Crime No.346 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is a District Representative of A.I.A.D.M.K. On 14.04.2020 at about 11 p.m. one Balaji and Manikandan had walked along the river bank to water the defacto complainant's agricultural land from Thirugnanam pump set. During that time A1 to A6 named accused have attacked the said Balaji and Manikandan with Machetes and knives and other named accused A7 and A20 also attacked the deceased with iron road, due to which, they have sustained grievous injuries. Immediately they were rushed to the hospital, however, the first victim Balaji declared as brought dead and the second victim Manikandan was admitted in the hospital and later he also died.

3. The learned counsel for the petitioner would submit that the name of the petitioner does not find a place in the First Information Report and that there is no previous case as against the

petitioner. However, since he happened to be a member of the opposite party, he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 05.05.2020. He would also submit that the co-accused in this case who are similarly placed and against whom no overtact has been attributed have been granted bail by this Court in Crl.OP.Nos.9053, 8037, 8309 and 8557 of 2020 dated 19.06.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the allegations against the petitioner is that he had conspired with the other accused and taken the accused in his vehicle to the place of occurrence and after the occurrence he taken them away in his vehicle, and he is very much aware of the pre-planned attack. Hence, he opposed for the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that similarly placed accused as that of the petitioner were granted 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 learned Judicial Magistrate-I, Panruti, Cuddalore District, 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 petitioner on release shall stay at Salem and report before the Salem Town Police Station every Monday at 10.30 a.m. until further orders.

(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 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];

(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.

-sd/-
26/06/2020

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.I, PANRUTI

2 THE SUPERINTENDENT,
CENTRAL PRISON,CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SALEM TOWN POLICE STATION,
SALEM

5 THE INSPECTOR OF POLICE,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT - 607 106.

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

CRL OP.9568/2020

Date :26/06/2020

rd 27/07/2020