

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.10016 of 2020

Perumal @ Bullet Perumal

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Siva Kanchi Police Station
Kanchipuram District
(Crime No.431 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.431 of 2019 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.05.2020 for the offence punishable under Sections 399 IPC R/w. Sec. 25(1) (a) of Arms Act, in Crime No.431 of 2019, seeks bail.

2. The case of the prosecution is that when the respondent police on routine rounds found that the petitioner along with other accused persons assembled at the back side of Rayankuttai Palla Street and having preparation for committing dacoity. The accused were also found in possession of deadly weapons. On seeing the police, this petitioner has attempted to escape from apprehending arrest and other accused persons have escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and no such incident took place. He would further submit that since there are other previous cases, the respondent police have foisted this case to keep him in custody.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner has got 14 previous cases and in some cases are pending trial.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 15.05.2020, 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 No.1, Kanchipuram, 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 shall report before the respondent police daily at 5.30 p.m. until further orders. Any violation of condition by the petitioner, the respondent police is at liberty to file a petition for cancellation of bail.

(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 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/-

08/07/2020

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, KANCHIPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 INSPECTOR OF POLICE,
SIVA KANCHI POLICE SATION,
KANCHIPURAM DISTRICT.

CC to M/S A.SARANRAJ Advocate on payment of necessary charges

CRL OP.10016/2020

Date :08/07/2020

RVR 28/08/2020

सत्यमेव जयते
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