

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

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

Crl.O.P.No.10136 of 2020

Aravindan

... Petitioner

Vs.

State Rep. By

The Inspector of Police

Baluchettychatram Police Station,

Kancheepuram District.

(Crime No. 1159 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.1159 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Thirugnanam

For Respondent : Mr.T.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 18.06.2020 for the offences punishable under Sections 294(b), 353 IPC and 25(1) (a) Arms Act, in Crime No.1159 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.06.2020, while the officials of the respondent were patrolling, they found the petitioner armed with knife, walking in the street threatening and shouting at the public in filthy language. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and there is no previous case against the petitioner. He would further submit that the petitioner has been in judicial custody from 18.06.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate submitted that the petitioner was found walking in the street armed with knife and shouting at the Public. When the officials of the respondent tried to stop him, he scolded them in filthy language and attempted to attack them. Hence, he vehemently opposed for the grant of bail.

5. In view of the above facts and circumstances of the case and considering the period of incarceration by the petitioner from 18.06.2020, 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 her 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, Kancheepuram, on or before 06.08.2020, 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 10.30 a.m. until further orders.

(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 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];

(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/-

06/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI

4 INSPECTORE OF POLICE,
BALUCHETTYCHATRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.10136/2020

Date :06/07/2020

RVR 28/08/2020



WEB COPY