

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10811 of 2020

Coolmani @ Manikandan

... Petitioner

Vs.

The State, represented by
The Deputy Superintendent of Police,
Mannargudi Sub Division,
Mannargudi Town Police Station,
Mannargudi, Thiruvarur District.
(Crime No.247 of 2018)

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in connection with S.C.No.75
of 2018, pending Trial on the file of Sub Court, Mannargudi,
Thiruvarur District.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Karthikeyan
Additional 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 10.08.2018 for the offence punishable under Sections 454, 395 of IPC, and Section 25(1) (b) and 27 (1) of the Arms Act, 1959, in Crime No.247 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with six accused persons robbed a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) and also jewels.

3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 10.08.2018 and even according to the case of the prosecution, the petitioner is arrayed as 7th accused. He only facilitated to supply guns to other accused persons and he is neither manufacturer of the gun nor supplier of the said gun. He only introduced the person who was in possession of the alleged guns to the other accused persons. He further submitted that the respondent police completed the

investigation and filed the final report and the same has been taken cognizance in S.C.No.75 of 2018 on the file of Sub Court, Mannargudi, Thiruvarur District. The trial has also commenced. In so far as the trial is concerned, the prosecution have examined 44 witnesses in which the list of witnesses P.W.29 and P.W.30 has spoken about the role of the petitioner herein. Unfortunately, they also turned hostile and this case is posted for judgment.

4. The learned Additional Public Prosecutor would submit that the petitioner along with six accused persons robbed a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) and also jewels from the defacto complainant Bank at knife Point. He further submitted that the prosecution has examined 44 witnesses, P.W.1 to P.W.44, in which P.W.29 and P.W.30 have spoken about the role of the petitioner before the respondent while recording the statement under Section 161 of Cr.P.C.. However, he opposed to grant bail to the petitioner.

5. It is seen that there are totally 7 accused, the petitioner along with six accused persons involved in a bank robbery and looted a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) and also jewels. In so far as the petitioner is concerned he facilitated other accused persons in getting the gun. He was arrested and remanded to judicial custody on 10.08.2018. The prosecution has examined 44 witnesses, P.W.1 to P.W.44, in which P.W.29 and P.W.30 have spoken about the role of the petitioner before the respondent while recording the statement under Section 161 of Cr.P.C. They also turned hostile before the trial Court. Therefore, there is a fair chance for the petitioner to get acquittal from the trial Court.

6. Taking into consideration, the facts and circumstances of the case and considering the period of incarceration by the petitioner from 10.08.2018, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one surety shall be the blood relative of the petitioner, each for a like sum to the satisfaction of the Subordinate Court, Mannargudi, Thiruvarur District, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/08/2020

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 SUBORDINATE COURT,
MANNARGUDI,
THIRUVARUR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
MANNARGUDI SUB DIVISION,
MANNARGUDI TOWN POLICE STATION,
MANNARGUDI, THIRUVARUR DISTRICT.

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

CRL OP.10811/2020

Date :04/08/2020

cs 02/09/2020