

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11421 of 2020

1.Surya
2.Arun
3.Kamalakannan

... Petitioners

Vs.

State, rep. by
The Inspector of Police
Guduvancherry Police Station
Kancheepuram District
(Crime Nos.1509 of 2020)

... Respondent

PRAYER: Criminal Original Petition are filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1459 of 2020, pending on the file of the Respondent Police.

For Petitioners : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 20.05.2020 for the offences punishable under Section 4(b) of Explosive Act, 1908, in Crime No.1509 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant is that when the respondent police conducted vehicle check up, the petitioners were found in possession of four petrol bombs and one knife in their motor cycle, when the police tried to apprehend them, they attempted to escape from the scene of occurrence, however later rounded up.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the petitioners were found in possession of four petrol bombs and knife while the respondent police conducted their vehicle check up and they were arrested. He would further submit that there are four previous cases pending against the petitioners.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, the petitioners are suffering incarceration for more than 75 days, 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 condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate - II, Chengalpattu, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 daily at 10.30 a.m and 5.30 p.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, the Criminal Original Petition is ordered.

-sd/-

06/08/2020

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 JUDICIAL MAGISTRATE,
NO.II, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

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

CRL OP.11421/2020

Date :06/08/2020

RVR 14/09/2020

WEB COPY