

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 11255 of 2020

Manikandan

...Petitioner/Accused-5

VS

State, rep. by

The Inspector of Police,
Guduvanchery Police Station,
Kancheepuram District
(Crime No. 1459 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1459 of 2020, on the file of the respondent police.

For Petitioner : Mr.R. Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 20.05.2020 for the offences punishable under Sections 447, 294(b), 436, 307, 506(ii) of I.P.C. and Section 3 of Explosives Substances Act 1908 alter into 147, 148, 447,, 294(b), 436, 307, 506(ii) r/w 120(b) of IPC on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner/accused threatened the defacto complainant by showing petrol bomb and also attempted to assault him with deadly weapons, due to previous enmity. Hence the complaint.

3 The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case for statistical purpose and that nobody is injured. He further submitted that the petitioner is in judicial custody from 19.05.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is arrayed as A4, along with other accused threatened the defacto complainant by showing country bomb and also threatened the defacto complainant with deadly weapons. There are two previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 19.05.2020.

6 Taking into consideration the facts and submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner, 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 condition to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each, to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch on such deposit and production of proof and on condition to execute 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), before the learned Judicial Magistrate No.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) Merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(d) 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;

(e) the petitioner shall report before the respondent police every day at 10.30 a.m. and 5.30 p.m until further orders.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

31/07/2020

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.II, CHENGALPATTU.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

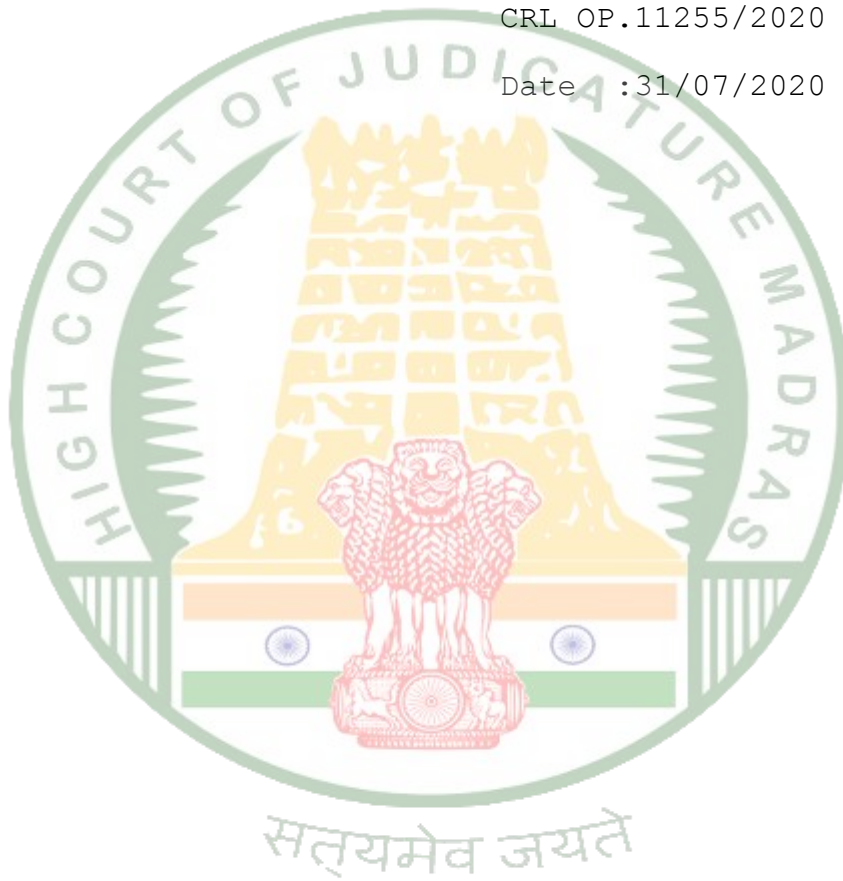
5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH

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

CRL OP.11255/2020

Date :31/07/2020

cs 02/09/2020



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