

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.11749 of 2020

Surya

... Petitioner

Vs.

State, rep. by

The Inspector of Police

Guduvancherry Police Station

Kancheepuram District

(Crime No.1459 of 2020)

... Respondent

PRAYER: Criminal Original Petition is 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 Petitioner : 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 petitioner, who was arrested and remanded to judicial custody on 20.05.2020 for the offences punishable under Section 447, 294(b), 436, 307, 506(ii) IPC and Section 3 of Explosives Substances Act, 1908 altered into 147, 148, 447, 294(b), 436, 307, 506(ii) r/w 120(b) IPC, in Crime No.1459 of 2020, seeks bail.

2.The case of the prosecution is that due to previous enmity the petitioner along with other accused threatened the defacto complainant and his family members and hurled a petrol bomb on the roof of his house due to which, the roof of the house caught fire.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.11255 of 2020 dated 31.07.202.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner due to previous enmity, had threatened the defacto complainant and his family members by placing a petrol bomb on their house and due to which the roof of the house caught fire. He would further submit that the petitioner has six previous cases to

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, the petitioner is suffering incarceration for more than 75 days and the co-accused in this case have also been granted bail, 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 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) 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 petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.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 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,
GUDUVANCHERRY POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

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

CRL OP.11749/2020

Date :06/08/2020

RVR 14/09/2020

WEB COPY