

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.12321 of 2020

1.Sunil @ Jaganathan
2.C.Manikandan

... petitioners

Vs.

State Rep. by
Inspector of Police
Thirupalaivanam Police Station
Thirupalaivanam, Thiruvallur Dist.
(Crime No.726 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.726 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.J.Senthamilarasu

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 09.06.2020 for the offences punishable under Section 341, 294(b), 302 IPC, in Crime No.726 of 2020, seek bail.

2. The case of the prosecution is that the petitioners along with other accused due to previous enmity waylaid the deceased Suriyaprakash and attacked him indiscriminately with knife. The deceased died on the way to the hospital.

3.The learned counsel appearing for the petitioners would submit that due to rivalry regarding local body election, a false case has been foisted against the petitioners. He would further submit that the petitioners have no specific overt act against them.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused waylaid the deceased and assaulted him indiscriminately with knife, due to which, the deceased sustained multiple injuries and died on the way to the hospital.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, 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 petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Ponneri, **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 on their release from prison, shall stay at Kancheepuram and report before the Vishnu Kanchi Police Station daily at 10:30 a.m and 5.30 p.m. until further orders.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners 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 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];

(j) 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/-
17/08/2020

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUPALAIVANAM POLICE STATION,
THIRUPALAIVANAM, THIRUVALLUR DISTRICT.

6 THE OFFICER INCHARGE,
VISHNU KANCHI POLICE STATION,
KANCHEEPURAM.

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

CRL OP.12321/2020

Date :17/08/2020

MK:02/09/2020