

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CRL.O.P.No.14187 of 2020

1. Sarath Kumar
2. Joseph Benjamin ... Petitioners

Vs.

State By
The Inspector of Police,
Otteri Police Station,
Kancheepuram District.
(Crime No.4159 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners/accused on bail in Crime No.4159 of 2020 on the file of the Inspector of Police, Otteri Police Station, Kancheepuram District.

For Petitioners : Mr.R.Thamaraiselvan

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 31.08.2020 for the offences punishable under **Sections 147, 148 IPC r/w Section 7 & 25(1)(A) of ARMS Act, 1959, in Crime No.4159 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant, the Sub Inspector of Police attached to the respondent police station is that while he was on his usual rounds along with his team, on suspicion, they have intercepted two Swift cars and on search of the occupants, they found that the petitioners were in possession of 4 patta kathi (4 knives).

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in custody from 31.08.2020.

4. The learned Government Advocate (Criminal Side) would submit that when the respondent police on suspicion intercepted the car and searched the occupants, they found that the petitioners along with other accused were in possession of four (4) patta kathi (knives) and they had a plan to do away with some one.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioners, 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) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) Thereafter, the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate Court No.II, Chengalpattu, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 report before the respondent police everyday at 10.30 a.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 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];

(i) 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/-
18/09/2020

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
COURT NO.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHEEPURAM DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT, CENTRAL PRISON, PUZHAL

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
OTTERI POLICE STATION,
KANCHEEPURAM DISTRICT

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

CRL OP.14187/2020

Date :18/09/2020

GKS:22/09/2020