

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15580 of 2020

JAYASEELAN

... Petitioner/Accused-3

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore District.
(Crime No. 205 of 2019)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 205 of 2019, on the file of the respondent police.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent : Mrs.S.Thankira
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.08.2019 for the offences punishable under Sections 294(b), 302 IPC and 3 & 4(a) of Explosives Act, subsequently altered into Sections 294(b), 147, 148, 448, 120-B, 302 IPC and 3 & 4(a) Explosives Act, in Crime No. 205 of 2019 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Manikandan is that due to previous enmity, the petitioner along with the other accused committed the murder of one Pandiyaraj @ Kozhi Pandiyan by cutting him with Machete and also by hurling country made bombs. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner was clamped with the detention order passed by the learned District Collector, Cuddalore. As against

the same the petitioner has filed a petition in H.C.P.No.2832 of 2019 and this Court was pleased to quash the detention order. He would further submit that the investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.I, Chidambaram. He would also submit that the petitioner has been arrayed as A3 and the co-accused in this case viz., A4, A5 have been enlarged on bail by the Sessions Court and that A1 and A2 in this case have been enlarged on bail by this Court in CrI.O.P.No.13929 of 2020 and CrI.O.P.No.15242 of 2020 by orders dated 16.09.2020 and 29.09.2020 respectively. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Criminal Side) appearing for the respondent would vehemently oppose stating that it is a case of retaliatory murder. The petitioner along with the other accused due to previous enmity, had assaulted one Pandiyaraj @ Kozhi Pandian with Machete and that the petitioner is the person who hurled the country made bombs on the the victim.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the co-accused in this case have been enlarged on bail and the petitioner is prepared to abide by any stringent condition.

6 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the investigation has been completed, final report has been filed and the petitioner and also considering the period of incarceration of the petitioner from 22.08.2019 and that co-accused have been enlarged on 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with **two sureties, out of the two sureties, one should be Government surety**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Chidambaram and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Chennai and report before Periamet Police Station everyday at 10.30 a.m. and 05.30 p.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police. Further, the petitioner shall appear before the respective Trial Court on the date of hearing of the respective cases, once regular functioning of the Courts get resumed.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during trial;

(f) the petitioner shall not tamper with evidence or witness either during trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
01/10/2020

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.I,
CHINDABARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANNAMALAI NAGAR POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE DISTRICT.

6 THE OFFICER INCHARGE,
PERIAMET POLICE STATION,
CHENNAI.

+1 CC to M/S.A.M.RAHAMATH ALI, Advocate on payment of
necessary charges SR.NO.6586

CRL OP.15580/2020

Date :01/10/2020

TA-05/10/2020



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