

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16756 of 2020

Keerthivasan

... Petitioner

Versus

State by

The Inspector of Police,
H-2, Guduvancheri Police Station,
Kancheepuram District.
Crime No.3833 of 2020

....Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.3833 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Tamaraiselvan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(This case has been heard through Video Conferencing)

The petitioner who was arrested and remanded to judicial custody on 01.10.2020 for the offences punishable under Sections 147, 148 and 398 IPC r/w.25(1A) of ARMS Act 1959 in Crime No.3833 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, the Sub Inspector of Police, Kancheepuram Police Station is that on 01.10.2020, the defacto complainant along with his police party was conducting regular vehicle check up. When they intercepted the Swift car bearing Registration No.TN-20-DA-1960, the petitioner along with others was found in possession of three Aruval. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. In fact the petitioner's marriage has been fixed on 29.10.2020 and thereby, the petitioner's friends had picked him up in their car to distribute invitations and that the petitioner is no way connected with the offence. He would further submit that neither the car nor the Aruval belongs to the petitioner and there is no previous case against the petitioner. He would further reiterate that the petitioner's marriage has been fixed on 29.10.2020 and he has been in judicial custody from 01.10.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are totally five accused in this case in which, the petitioner is arrayed as A3. He further submitted that while the respondent police were conducting vehicle check up, the petitioner along with other accused was found in possession of deadly weapons in their vehicle. He would further submit that the co-accused are having previous cases against them. Insofar as the petitioner is concerned, there is no previous case against him. However, he opposed to grant bail to the petitioner.

5. Taking into consideration the above facts and circumstances of the case and the submissions made by the learned counsels and the fact that there is no previous case against the petitioner and the alleged vehicle is not belongs to the petitioner and that the marriage of the petitioner is fixed on 29.10.2020 and also considering the period of incarceration undergone by the petitioner from 01.10.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No. 3833 of 2020 and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Chengalpattu and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No. 3833 of 2020 before executing the bond.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders except on 29.10.2020.

[g] the investigating officer shall scrupulously ensure that the petitioner complies with all conditions hereby imposed and shall report breach of conditions, if any promptly to the learned Magistrate/Trial Court.

[h] On breach of any of the aforesaid conditions, the learned 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 held by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala reported in (2005)AIR SCW 5560.

[i] If the accused thereafter absconds, (I) a fresh FIR can be registered under Section 229A IPC. (II) the amount deposited as per clause (b) shall be forfeited and the same shall be remitted to the Government/victim.

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

-sd/-

22/10/2020

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.II, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
H-2, GUDUVANCHERI POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

+2 CC to M/S.R.THAMARAI SELVAN Advocate on payment of
necessary charges SR.NO.7047

CRL OP.16756/2020

Date :22/10/2020

RVR 22/10/2020