

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

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

CRL.O.P.No.17892 of 2020

1. Vishvanathan ... Petitioners
2. Chandru
3. Sivakumar
4. Balachandhar
5. Magesh
6. Mahalakshmi

Vs.

State rep. By: ... Respondent
The Inspector of Police,
Sriperumbudur Police Station,
Kanchipuram District.
(Crime No.2611 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.2611 of 2020 on the file of the respondent.

For Petitioners : Mr.S.Rajanikanth

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.10.2020 for the offence punishable under Section 120B, 399 of IPC r/w Section 5(b) of Explosive Substances Act and Section 25(1-A) of Arms Act, in Crime No.2611 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant is that the petitioners had conspired together to commit murder of their enemies viz. Vairam @ Vairamuoorthy, Hari and Mohan by hurling bombs on them and they had also planned to commit dacoity from the innocent people. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit earlier occasion he had withdrawn the bail petition for A6 viz. Mahalakshmi and thereafter, the 6th petitioner was granted bail by the Court below. He would further submit that he is not pressing this application for the 1st petitioner / A1 / Vishwanathan and the 3rd petitioner / A3 / Sivakumar, since the petitioners are having several previous cases. He would further submit that the Sub Inspector had filed a false case against the petitioners and further the advocate of the petitioners was also falsely implicated in this case. He would further submit that as far as the other petitioners viz. A2, A4 and A5 are concerned they have got one previous case of murder against them and they are prepared to abide by any stringent conditions that to be imposed by this Court and that the petitioners are in custody from 23.10.2020.

4.The respondent has filed a detailed counter. The learned Government Advocate (Crl. Side) would submit that pursuant to the registration of the complaint, deadly weapons and country made bombs were recovered from the scene of occurrence and they have subjected the same to the chemical analysis and the report is awaited. He would further submit that the petitioners are notorious criminals and as far as the 1st petitioner is concerned, he has got 10 previous cases and the 2nd petitioner has got five previous cases out of which, one is registered for offence under Section 302 IPC and in respect of the 3rd petitioner, there are 5 previous cases out of which two cases are under Section 302 IPC and in respect of the 4th petitioner is concerned, he has got five previous cases out of which one is under Section 302 IPC and the 5th petitioner is having 3 previous cases out of which one is under Section 302 IPC.

5.At this juncture, the learned counsel for the petitioners would submit that he is withdrawing the bail petition for the 1st, 3rd and 6th petitioners, accordingly their bail petition stands dismissed as withdrawn.

6.Heard the learned Counsel on either side. Perused the materials placed on record.

7.Taking into consideration of the facts and submissions made by the learned counsels, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners 2, 4 and 5 are ordered to be released on bail on condition to execute a separate 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 learned **Judicial Magistrate, Sriperumbudur**, 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 petitioners 2, 4 and 5 on their release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioners 2, 4, and 5 shall not commit any offences of similar nature;

(e) the petitioners 2, 4 and 5 shall not abscond either during investigation or trial;

(f) the petitioners 2, 4 and 5 shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2, 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 2, 4 and 5 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.

8. With the above directions, this Criminal Original Petition as against the 1st, 3rd and 6th petitioners stands dismissed as withdrawn. This Criminal Original Petition as far as the 2nd, 4th and 5th petitioners are concerned, stands ordered.

-sd/-

17/12/2020

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

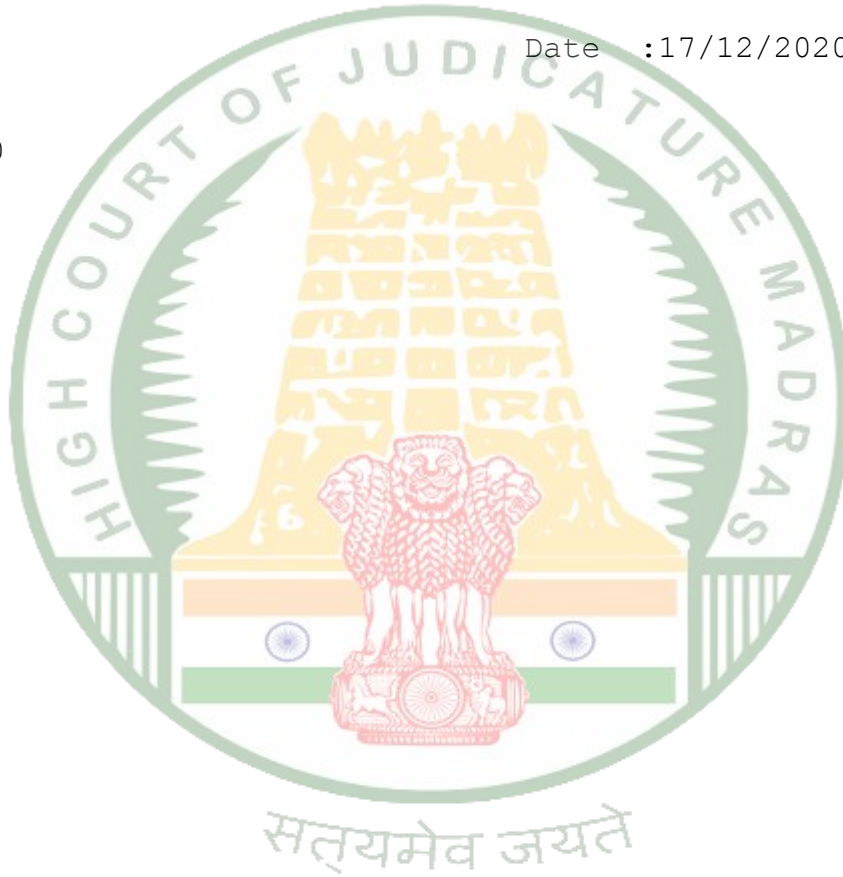
6 THE JAILER,
SUB-JAIL, KANCHIPURAM.

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

CRL OP.17892/2020

Date :17/12/2020

TA-18/12/2020



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