

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 18321 of 2020

M.Shaik Faiz

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-2, Guduvancheri Police Station,
Kanchipuram District
(Crime No.10 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 10 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.10.2020 for the offences punishable under Sections 341 & 302 of IPC @ 147, 148, 341, 302 r/w 120 [B] of IPC, in Crime No. 10 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz. Nirmala is that due to previous enmity, on 04.01.2020, the accused had waylaid her son and committed the murder by cutting him indiscriminately with dangerous weapon.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since the police considered him as the friend of the other accused. He would further submit that the petitioner was not aware of the incident and that he was arrested in Crime No.1589 of 2020, registered by the Sathiyamangalam Police Station, Villupuram District for the offences under

Section 398 IPC r/w. Section 25(1A) of Arms Act and later he was remanded to judicial custody on PT warrant in this case. He would further submit that the main accused in this case have been granted bail and one of the accused has been detained under Act 14/82. He would further submit that the petitioner is in custody from 07.10.2020 and the petitioner has been granted bail in Crime No.1589 of 2020 registered by the Sathyamangalam Police Station. He would further submit that the petitioner is prepared to abide by any stringent conditions that to be imposed on him by this Court.

4. The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner along with other accused waylaid the son of the defacto complainant and by cutting indiscriminately with dangerous weapon caused the death. He would however submit that A3 in this case has been granted bail by this Court vide order dated 04.03.2020 in Crl.O.P.No.4783 of 2020 and A7 in this case has been detained.

5. Taking into consideration the facts and submissions made by the learned counsel and the fact that co-accused in this case has been granted bail by this Court and also considering the period of incarceration suffered by the petitioner, 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 each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengalpattu** 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 on his 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 petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond during trial;

(f) the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/11/2020

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 JAILER, DISTRICT JAIL,
VILLUPURAM, VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
H-2, GUDUVANCHERI POLICE STATION,
KANCHEPURAM DIST

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

CRL OP.18321/2020

Date : 20/11/2020

GKS:23/11/2020