

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Crl.O.P.No.18717 of 2020

Manigandan

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Vanapuram Police Station,
Vanapuram, Tiruvannamalai District.
(Crime No.2766 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail pending investigation in Crime No.2766 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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

ORDER

This case has been heard through video conference

The petitioner who was arrested and remanded to judicial custody on 16.09.2020 for the offence punishable under Sections 302, 392 and 397 of IPC, in Crime No. 2766 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.09.2020 the defacto complainant's father was unconscious and his mother also sustained injuries. His mother informed that on 15.09.2020 at about 9 pm., three unknown persons have attacked them and robbed a sum of Rs.2500/- and gold jewels. Therefore, the father of the defacto complainant was admitted in the Government Hospital, Tiruvannamalai, subsequently, he died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 was granted bail by this Court in Crl.O.P.No. 18020 of 2020 dated 18.11.2020 and there is no previous case as against the petitioner. He would further submit that the petitioner is in judicial custody from 16.09.2020 and seeks bail for the

4. The learned Government Advocate (Crl.Side) would submit that totally there are three accused in this case and the petitioner is arrayed as A2. He would further submit that the property has been recovered from A1 and others. He would further submit that the petitioner has no previous case and the co-accused has been granted bail by this Court in Crl.O.P.No.18020 of 2020 dated 18.11.2020. However, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner has no previous case and the petitioner is in judicial custody from 16.09.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner is ordered to be released on bail and he shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties before learned Judicial Magistrate-I, Tiruvannamalai.

(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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., for a period of two weeks until further orders.

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

(e) the petitioner shall not abscond either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
30/11/2020

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.I,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VANAPURAM POLICE STATION,
VANAPURAM, TIRUVANNAMALAI DISTRICT.

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

CRL OP.18717/2020

Date :30/11/2020

MK:02/12/2020

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