

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.20064 of 2020

Murugan

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Crime No.2611 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2611 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Rajanikanth

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.10.2020 for the offence punishable under Sections 120(B), 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, seeks 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 @ Vairamuorthy, 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 petitioner would submit the petitioner is an innocent and he has been falsely implicated in this case. He would submit that a very reading of F.I.R. would show that it is the case foisted for the purpose of putting fetters on the petitioner and to keep him in continuous detention. He would further submit that persons accused in this case have been granted bail by this

Court in CrI.O.P.No.20064 of 2020 by order dated 17.12.2020 and that the petitioner has been suffering incarceration from 25.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (CrI. 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 petitioner is a habitual offender against whom there are 17 previous cases and that the investigation is pending.

5. At this juncture, the learned counsel for the petitioner would submit that all the cases have been registered in the year 2020 and prior to that there is no case against the petitioner and only to put fetters on the petitioner and to keep him in continuous detention, he has been falsely implicated in all the cases. He would further submit that none of the cases against the petitioner have been registered for offence under Section 302 IPC and that the petitioner has been in judicial custody for more than 55 days from 25.10.2020.

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 and the fact that the co-accused in this case have 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, 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 petitioner, on his release from the 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 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.

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

-sd/-
21/12/2020

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 JAILER,
SUB JAIL, KANCHIPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S S.RAJANIKANTH Advocate on payment of necessary charges SR.No.8516

CRL OP.20064/2020

Date :21/12/2020