

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1200 of 2021

Arun @ Arunkumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
S10, Pallikaranai Police Station,
Chennai - 600100
(Crime No.782 of 2019) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.782 of 2019 pending on the file of the Respondent.

For Petitioner : Mr.M. Prakash

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.12.2020 for the alleged offence under Sections 341, 324, 294(b) and 506(ii) of I.P.C in Crime No.782 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner is said to have committed the alleged offences u/s 147,148, 294(b), 341,324,307 of I.P.C r/w 4(a) of Explosive Substance Act, 1908 in Crime No.1332 of 2020 in which the petitioner was granted bail. Subsequently the petitioner had committed offences during the bail period, hence, the proceedings U/s 110 of Cr.P.C has been initiated against him and the same is suspended by this Court. In the mean time, the petitioner violated the bail conditions imposed by this Court, hence, the Court below has cancelled the bail granted to the petitioner by an order dated 23.12.2020 and the petitioner was arrested and remanded to Judicial custody on 04.12.2020.

4. The learned counsel appearing for the petitioner submitted that earlier the petitioner has been granted bail and during the

bail period he has been falsely implicated in this case and on that ground, the bail granted to the petitioner was cancelled and he is in custody for more than 50 days.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier the petitioner was granted bail and he has committed another offence, hence, the earlier bail granted to him was cancelled and he was arrested on 04.12.2020. Hence, she vehemently opposed grant of bail to the petitioner.

6. Considering the facts of the case 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 Judicial Magistrate - II, Alandur 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 every day at 10.30.a.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.

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

-sd/-
04/02/2021

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, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
CHENNAI-600 100.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.M.PRAKASH Advocate on payment of necessary charges SR.NO.1123

CRL OP.1200/2021

Date :04/02/2021

TA-05/02/2021

WEB COPY