

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4372 of 2021

D.Gopalakrishnan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Pallikaranai Police Station,
Chennai.
(Crime No. 1334 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.1334 of 2020 on the file of the respondent.

For Petitioner : Mr.S.Doraisamy for
Mr.V.Elangovan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 05.09.2020 for the offences punishable under Section 307 of IPC and Section 3 of TNPPDL Act r/w. 4(a) of Explosive Substances Act 1908 in Crime No.1334 of 2020, seeks bail.

2. Totally, there are four accused and the petitioner is A2. The case of the prosecution is that due to some previous enmity, all the accused thrown a bomb in the house of the de-facto complainant and thereby, caused damage to her house. Hence, the complaint came to be registered.

3. The learned counsel Senior counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 05.09.2020. The petitioner is in custody for more than 90 days and final report has not been filed till date. In the said circumstances, the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, all the accused thrown country made bomb in the house of the defacto complainant and caused damages. A1 in this case has been detained under Act 14 of 1982. She would further submit that major part of investigation is over and final report alone is yet to be filed. Hence, she oppose to grant bail to the petitioner.

5. The case has been registered under Explosive Substances Act. The petitioner is in judicial custody for more than 90 days. Despite the lapse of statutory period, the respondent has not filed the final report and thereby, the petitioner is entitled for statutory bail.

6. Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsel and the fact that the respondent has not filed the final report in this case despite the lapse of statutory period, this Court is left with no other option except to grant bail. Hence, 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, Alandhur, 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 shall report before the respondent police as and when required for interrogation;

(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.

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

-sd/-
10/03/2021

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,
ALANDHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI.

+1CC to M/S.V.ELANGO VAN Advocate on payment of necessary charges SR NO.3089

CRL OP.4372/2021

Date :10/03/2021