

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6065 of 2021

T.V.Manoharan

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
CCB-I, Team -32, Chennai.
(Crime No.356 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.356 of 2020 on the file of the respondent Police.

For Petitioner : Mr.V.T.Narendiran

For Respondents : Mrs.M.Prabhavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 24.12.2020 for the offence punishable under Sections 143, 147, 294(b), 448 and 506(ii) of I.P.C., in Crime No.356 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, all the six accused trespassed into the house of former Judge of Hon'ble Supreme Court of India, and threatened the security personnel deputed there, abused the inmates, daughter and son in law of the Hon'ble Judge and also criminally intimidated them. Hence, a criminal case was registered against the petitioner, and other accused, and he was arrested and remanded to judicial custody on 24.12.2020. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is a retired Government servant and he went along with the main accused A1, at his request innocently, only after going there, he came to know that the other accused went there for committing a crime, immediately he came out and he has not involved in any of the offence. He would submit that he has no bad antecedents and he is in judicial custody from 24.12.2020. He would submit that investigation is also over and the final report has also been filed by the respondent. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would strongly oppose this petition on the ground that the petitioner along with other accused went along with A1 and trespassed into the house of former Judge of Hon'ble Supreme Court of India, threatened the security personnel, abused the inmates and also criminally intimidated them. She would submit that the investigation is almost over, the final report has been filed and there is no bad antecedents against the petitioner. A1 in this case already granted bail. Hence, she vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the co-accused A1 was granted bail, the investigation is almost completed, final report has been filed, and also considering the period of incarceration suffered by the petitioner from 24.12.2020, 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 XI Metropolitan Magistrate, Saidapet, Chennai 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 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.

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

-sd/-

26/03/2021

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 XI METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
TEAM-32, CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

+2 CC to M/S.V.T.NARENDIRAN Advocate on payment of necessary charges Sr.4080

सत्यमेव जयते

CRL OP.6065/2021

Date :26/03/2021

RVR 29/03/2021

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