

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8544 of 2021

Vellaisamy @ White Kumar @ Sarathkumar ... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
(Crime No.849 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.849 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.Charles Premkumar,
Government Advocate

ORDER

(The case has been heard through video conference)

Heard the learned Counsel on either side.

2. The petitioner was arrested on 03.03.2021 for the offences under Sections 147, 148, 294(b) and 302 of IPC in Cr.No.849/2020 registered on the file of the respondent.

3. The petitioner is figuring as 9th accused in the said case.

4. Learned Government Advocate (Crl. Side) strongly opposes the grant of bail for more than one reason. He would point out that the petitioner has been implicated in a subsequent case in Cr.No.67/2021. He would also state that all other accused have been already clamped under the Goondas Act. The petitioner is also going to be detained under the Goondas Act. Therefore, he also calls upon this Court to dismiss the bail petition.

5. Though the learned Government Advocate (Crl. Side) strongly opposes the grant of bail, I am inclined to grant bail to the petitioner because this is a case where the occurrence had taken

place way back on 23.09.2020 and the name of the petitioner does not figure in the F.I.R.

6. Learned Government Advocate would also state that the petitioner's rank has been wrongly given as A9 in the bail petition, but his rank is A5.

7. Be that as it may, the petitioner is in custody for more than 60 days and the investigation ought to have been over by now. The implication of the petitioner in Cr.No.67/2021 does not really impress him. From a mere reading of the averments of the F.I.R., it appears to be a put up case for the purpose of invoking Goondas Act. It is made clear that this observation is made only for the purpose of granting the relief of bail. Therefore, the petitioner shall not take advantage of the same in any other proceedings. At this stage, I wanted to know whether the petitioner is having any previous cases prior to the registration of the present case for which the answer is that he is not having any bad antecedents.

8. Therefore, I am 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, Arakkonam, 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 shall report before the respondent police every day at 10.30 a.m. for a period of six weeks and thereafter 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; and

(i) the learned Counsel for the petitioner shall give an undertaking that he will not apply for relaxation of any condition.

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

-sd/-
05/05/2021

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,
ARAKKONAM;

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
RANIPET DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.5855

CRL OP.8544/2021

Date :05/05/2021

TA-06/05/2021