

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2021

CORAM :

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

Cr1.O.P.No.19303 of 2020

Lakshmanan

... Petitioner/Accused-6

Vs.

State

The Inspector of Police
Singanallur Police Station
Coimbatore

Crime No.910 of 2018

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in P.R.C.No.136 of 2019 on the file of the Judicial Magistrate No.3, in Crime No.910 of 2018 on the file of the Inspector of Police, Singanallur Police Station, Coimbatore.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.06.2019 for the offences punishable under Section 174 Cr.P.C. @ Section 302 IPC @ 147, 148 and 302 IPC r/w 201 IPC in Crime No.910 of 2018 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with six others committed the murder of one Mohan and in order conceal the evidence, had dumped the body into a drainage. The case was originally registered under Section 174 Cr.P.C. and later during the Course of investigation, it was altered to one under Section 302 IPC and on further investigation, it was altered into Sections 147, 148 and 302 IPC r/w 201 IPC. The respondent after completion of investigation had filed final report before the learned Judicial Magistrate-III, Coimbatore and the case was taken up in P.R.C.No.136 of 2019. Thereafter, the case has been committed to the Court of Sessions and it is pending trial in S.C.No.32 of 2021 on the file of the Sessions Court for Trial of Bomb Blast Cases, Coimbatore.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated based on the confession statement recorded from other accused. He would submit that it is a case of circumstantial evidence and other than the confession statement of the co-accused, there is no other material to implicate the petitioner. He would submit that the petitioner was arrested as early as on 26.06.2019 and he has been in custody for more than 1½ years and that the earlier applications for bail was dismissed by this Court stating that the petitioner is involved in 10 previous cases of serious nature. He would submit that the petitioner is a native of Sivaganga District and that the respondent police has been foisting cases for the purpose of detaining the petitioner under Act 14 and most of the cases registered against him were only based on the confession recorded from the other accused. He would submit that though the petitioner has been implicated in nine other cases, in none of the cases, the petitioner has been convicted and in respect of Crime No.247 of 2011 registered by Manamadurai P.S., the petitioner has been acquitted. As on today, the present case in S.C.No.32 of 2021 stands posted for trial and the case has been posted to 03.05.2021 for appearance of witnesses. He would submit that the petitioner has to engage a Counsel to conduct his case and that the petitioner is prepared to abide by any stringent condition that may be imposed on him and he is also prepared to furnish sureties who are his blood relatives.

4. This Court finding that the petitioner is involved in several other cases, had called for report from the Inspector of General of Police, South Zone since the other cases were registered by police stations within South Zone.

5. The report has been received. It is seen that in none of the cases, the petitioner has been convicted. Insofar as the case in Crime No.247 of 2017 registered by Manamadurai P.S. is concerned, the petitioner has been acquitted and the other cases are pending trial and P.T. Warrants are pending execution.

6. The learned Government Advocate (Crl. Side) would submit that the petitioner is a notorious person against whom several cases have been registered by various respondents in the South Zone area around Madurai. He would further submit that the petitioner is in custody from 26.06.2019 and as of now, the case has been posted for trial and appearance of witnesses. Further the other respondents are taking steps to execute P.T. Warrants.

7. At this juncture, the learned Counsel for the petitioner would submit that in the other cases, the petitioner had been appearing and only due to the detention in this case, he was unable to appear before the Court and that the petitioner if released on bail, will appear before the concerned Courts and get the warrants recalled. He would thereby, seek bail.

8. Taking into consideration of the facts and submissions made by the learned Counsels and considering the period of incarceration suffered by the petitioner from 26.06.2019 and the fact that the case has been committed to the Court of Sessions in S.C.No.32 of 2021 and now it is posted on 03.05.2021 for appearance of witnesses, 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.25,000/- (Rupees Twenty Five Thousand Only), with two sureties out of which, one surety shall be a blood relative of the petitioner and the other surety shall be a Government Servant, each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Coimbatore, 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 appear before the trial Court on all working days at 10.30 a.m. (other than the days in which the other cases are posted before various other Courts for hearing). The petitioner shall also report before the respondent police every Saturday at 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond during trial;

(f) the petitioner shall not tamper with evidence or witness during 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.

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

-sd/-

26/04/2021

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.III, COIMBATORE.

2.THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3.THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4.THE INSPECTOR OF POLICE
SINGANAILLUR POLICE STATION
COIMBATORE

5.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS-104.

+1 CC to M/S. G.MOHANA KRISHNAN Advocate on payment of
necessary charges SR.No. 5285

CRL OP.19303/2020

सत्यमेव जयते

Date :26/04/2021

TK/26.04.2021

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