



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19087 of 2021

Vajpai @ VA

... Petitioner

Vs.

State Rep by
The Inspector of Police,
V-3 JJ Nagar Police Station,
Chennai
(Cr.No.945 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.945 of 2020 on the file of the respondent police.

For Petitioner : Mr.P. Sundar Raajan

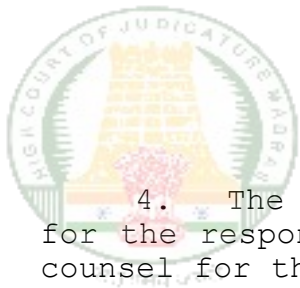
For Respondent : Mr.A. Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 28.08.2021 and remanded to judicial custody for the alleged offence under Sections 147,148 of I.P.C Section 25(1A) of Arms Act, 1959 and Section 9(B)(1)(b) of Explosive Act, 1884 in Crime No.945 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was enmity between the petitioner and one Shanmugan, due to which the petitioner along with other accused planned to do away the said Shanmugam. It is alleged the petitioner and other accused were in possession of petrol bombs and 250 grams of explosive powders. Hence the law enforcing agency registered a case against the petitioner.

3.The learned counsel for the petitioner would submit that already this Court granted Anticipatory bail to the petitioner in Crl.O.P.No.10588 of 2020 vide order dated 16.07.2020 since the petitioner failed to comply with the said conditions imposed by this Court, NBW was issued against him on 10.03.2021 and he was arrested and remanded to judicial custody on 28.08.2021. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5. Considering the period of incarceration suffered by the petitioner and already this Court had granted anticipatory bail to the petitioner, since the petitioner failed to execute the sureties he was arrested and remanded to judicial custody, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Ambattur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/10/2021

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
V-3 JJ NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.P.SUNDAR RAAJAN Advocate on payment of necessary
charges SR.NO.11232

CRL OP.19087/2021

Date :08/10/2021

INBA-08/10/2021