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Crl.OP.No.11817 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11817 of 2023

V.Neelakandan

... Petitioner

Vs.

State Rep . By
The Inspector of Police
Manavalanagar Police Station
Tiruvallur District
(Crime No.1488 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.1488 of 2020 pending
investigation on the file of the respondent police.

For Petitioner : Mr.K.Thilageswaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under **Sections 147, 148, 341, 294(b), 323, 324, 307 and 379 IPC** in Crime No.1488 of 2020 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with others, abused the defacto complainant in filthy language, assaulted and threatened him with dire consequences. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.10852 of 2020 dated 27.07.2020 and since, he did not furnish the sureties within the time specified by this Court, the order got lapsed and the petitioner was arrested and remanded to judicial custody on 03.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent police opposed for grant of bail to the Petitioner stating that the petitioner along with other accused attacked the defacto complainant and some jewels of the defacto complainant were also missing. However, he admitted that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.No.10852 of 2020 dated 27.07.2020.

5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances, considering the period of incarceration suffered by the Petitioner and also of the fact that the Petitioner was earlier granted anticipatory bail by this Court, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. 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 out of which, one surety shall be a blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial**



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Magistrate No.II, Tiruvallur, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

25.05.2023

Ksa-2/Ssi

To

1. The Judicial Magistrate No.II, Tiruvallur
2. The Inspector of Police
Manavalanagar Police Station
Tiruvallur District
3. The Public Prosecutor,
High Court of Madras.
4. Puzhal Prison, Chennai



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SATHI KUMAR SUKUMARA KURUP,J.

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