

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Cr1.O.P.No.8260 of 2020

Rajasekar

... Petitioner

-vs-

State Rep by:

The Inspector of police,
Baluchetty Chattiram Police Station,
Kanchipuram District.
(Crime No.840 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Cr.No.840 of 2020 on the file of the respondent police

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 14.05.2020 for the offences punishable under Sections 341, 294(b), 324, 307, 506(2), 392, 397 IPC of R/w Sec. 25(1)(a) of Arms Act in Crime No.840 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that on 14.05.2020, that the petitioner along with another accused waylaid and demanded money from the defacto complainant by showing knife and when the defacto complainant refused to give the money, the petitioner and other accused tried to assault the defacto complainant.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent and he has been implicated in this case only for the statistical purpose. He would further submit that the accused was involved in one previous case of murder and was acquitted.

4.The learned Additional Public Prosecutor would submit the petitioner was involved in one previous case of murder wherein he was acquitted and other case under Section 294(b) of I.P.C. He would further submit that the address of the petitioner was verified and the investigation is pending.

5.Taking into consideration of the facts and circumstance of this case and also taking into consideration the period of incarceration, 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 executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) The Petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, out of which one should be the blood surety** before the learned Judicial Magistrate No.1, Kanchipuram within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioners shall report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter every monday at 10.30 a.m. until further orders.

(e) the Petitioners shall not commit any offences of similar nature;

(f) the Petitioners shall not abscond either during investigation or trial;

(g) the Petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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];

(i) 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/-
30/06/2020

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.I,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BALUCHETTY CHATTIRAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S A.SARANRAJ Advocate on payment of necessary charges

CRL OP.8260/2020

Date :30/06/2020

TA-14/07/2020

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