

Crl.OP.Nos.24190, 23750 and 20941/2016

R.MALA,J.

Today, the above matters are listed under the caption "For Clarification". This Court, on 11.11.2016, had granted the relief of bail to the petitioner in the above cases and while issuing the order copy, certain doubts were raised with regard to the charge sheet filed in respect of the case registered in Cr.No.232/2005 and hence, the above cases are listed today.

2 Upon hearing the learned Government Advocate [Crl.Side], this Court clarifies the order dated 11.11.2016 that PRC No.33/2009 relates only to Cr.No.232/2005 and that it does not relates to Cr.No.323/2008, as wrongly mentioned by the learned Judicial Magistrate No.2, Chengalpattu, in her report dated 10.11.2016 and is inclined to pass the following order:-

"The petitioner in Crl.OP.No.24190/2016 is arrayed as A2 in Cr.No.232/2005 for the alleged offences u/s.341, 294[b], 397 read with 392, 307 and 506[ii] IPC ; the petitioner in Crl.OP.No.23750/2016 is arrayed as A4 in Cr.No.235/2005 for the alleged offences punishable u/s.384, 383, 387, 452, 341 read

with 307 and 506[ii] IPC ; and the petitioner in CrI.OP.No.20941/2016 is arrayed as A15 for the alleged offences punishable u/s.109, 147, 148, 149, 120[B], 341 and 302 IPC in Cr.No.1320/2012 and the petitioner in CrI.OP.Nos.24190 and 23750/2016 was arrested and remanded to judicial custody on 15.02.2016 and the petitioner in CrI.OP.No.20941/2016 was arrested by way of PT Warrant on the file of the respondent police and prays for enlargement on bail.

2 The case of the prosecution is that pursuant to the issuance of NBW and on execution of the same, the petitioner was arrested and remanded to judicial custody. It is also the further case that he jumped bail and he filed bail applications before the Court below in CrI.MP.Nos.15864/2016 and 15850/2016 and the said petitions were dismissed on 01.08.2016. The petitioner in CrI.OP.No.20941/2016 also filed a bail application before this Court in CrI.OP.No.15859/2016 and the same was dismissed on 01.08.2016 and hence, he has filed the present petitions seeking bail.

3 The learned Government Advocate [CrI.Side] on an earlier occasion reported that final reports have been filed in the respective cases and the same were taken on file by the learned Judicial

Magistrate No.2, Chengalpattu, in PRC Nos.14/2006 ; 33/2009 and 49/2013 in connection with Cr.Nos.235/2005 ; 232/2005 and Cr.No.1320/2012.

4 Hence, this Court, vide order dated 04.11.2016, had directed the Court below to file a Status Report in respect of those cases. Pursuant to the said direction, the learned Judicial Magistrate No.2, Chengalpattu had filed the Status Report dated 10.11.2016 wherein, the rank of the accused/the petitioner herein has been mentioned as A16 [in respect of Cr.No.1320/2012 ; PRC No.49/2013] ; A2 [in respect of Cr.No.232/2005 ; PRC No.33/2009] and A4 [in respect of Cr.No.235/2005] ; PRC No.14/2006] and that it is seen that some of the accused are still absconding and that NBWs are pending against them. It is also seen that the petitioner is languishing in jail for a considerable period.

5 Considering the fact that the investigation is completed and that the case has been committed to Court of Sessions, I am inclined to grant bail to the petitioner with certain conditions.

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6 Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:-

(i)The petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum [in each of the cases] to the satisfaction of the learned Judicial Magistrate No.2, Chengalpattu; and

(ii)The petitioner shall report before the Court concerned daily at 10.30 a.m. until further orders.

(iii)If any violation is made by the petitioner in complying with the above conditions, the learned Magistrate is directed to take effective steps to arrest and secure the presence of the petitioner and remand him to judicial custody."

3 The Registry is directed to issue fresh order copy forthwith to the parties concerned.

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16.11.2016

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