

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 07.12.2017****CORAM****THE HONOURABLE MR. JUSTICE M.S.RAMESH****Crl.O.P.No.27020 of 2017**

A.G.Samjad

..Petitioner /Accused

Vs.

Presently
State by
The Inspector of Police
CBCID, Chennai (Crime No.4/2017)

Previously
The Inspector of Police,
F2 Police Station,
Egmore, Chennai
(Crime No.1646 of 2017)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the Interim Bail granted to the petitioner in Crl.M.P.No.19042 of 2017 dated 05.12.2017 by the learned Principal Sessions Judge, Chennai to until further.

For Petitioner

: Mr.A.Natarajan,
for M/s.A.Madhumathi

For Respondent

: Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

The prayer sought for in the present petition is to modify the Interim Bail granted to the petitioner in CrI.M.P.No.19042 of 2017 dated 05.12.2017 by the learned Principal Sessions Judge, Chennai.

2. By an order dated 20.11.2017, passing in CrI.M.P.No.17759 of 2017 the learned Principal Sessions Judge, Chennai had in urged the petitioner had granted interim bail, which came to be extended till 08.12.2017.

3. The learned Senior Counsel for the petitioner submitted that the first accused against whom the overt acts for the major offences under Section 439 Cr.P.C. for the alleged offences under Sections 420, 120-B, 34 of IPC and Sec.66 of Information Technology Act 2000 r/w. Section 34 of IPC. was enlarged in bail by an order dated 22.11.2017 in CrI.M.P.No.18183 of 2017, the petitioner herein has been implicated for the offence based on the confession of the co-accused.

4. According to the petitioner that the offence may not be made out as against this petitioner and even otherwise, since the main accused needs the bail and the same benefit would be extend. The

learned Senior Counsel for the petitioner has submitted that though, the petitioner has been implicated in the offence based on the confession of the co-accused, even the materials show that the petitioner has involved in the crime.

5. When the materials before him namely, the complaint made implicating the first accused, even assuming that the second accused is involved in the offence, I am unable proceed as to why the petitioner should be in custody, since there is no allegation that by releasing the petitioner on bail it would be impediment to the investigation.

6. Hence, the justification should be made when releasing the petitioner on bail and at the same time, he has to co-oprate for further investigation. In such circumstances, the petitioner is directed to be released on interim bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) and with two sureties each for a likesum to the satisfaction of the learned XIV Metropolitan Magistrate, Chennai, with further condition that the petitioner shall appear before the respondent daily at 5 p.m. for a period of 30 days and thereafter as and when required.

7. Though, the petitioner sought for the modification of the order dated 05.12.2017 in CrI.M.P.No.19042 of 2017, it would be appropriate to pass the following orders:

"At this juncture, the learned Senior Counsel for the petitioner submits that petitioner is under the medical treatment and that the medical report is to be given to the concerned Magistrate. Hence the petitioner is permitted to execute a bond before the concerned Magistrate within 10 days from today."

07.12.2017

Index:Yes/No
Internet: Yes/No
nmm

सत्यमेव जयते

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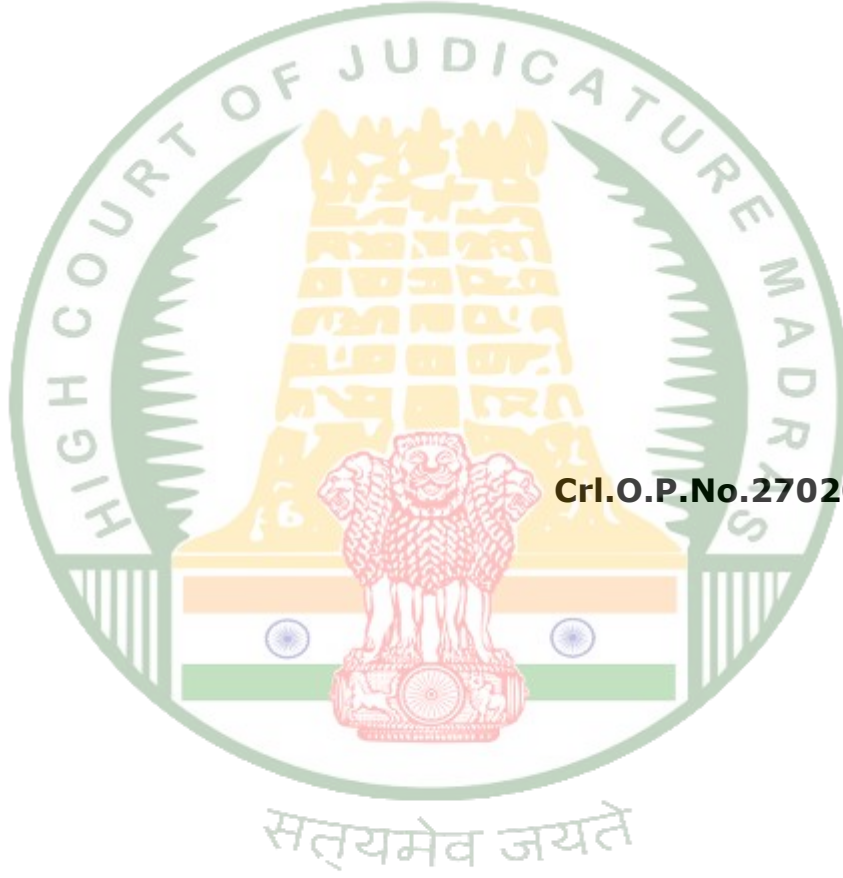
To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police
CBCID, Chennai.
- 3.The Inspector of Police,
F2 Police Station,
Egmore, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,
nmm

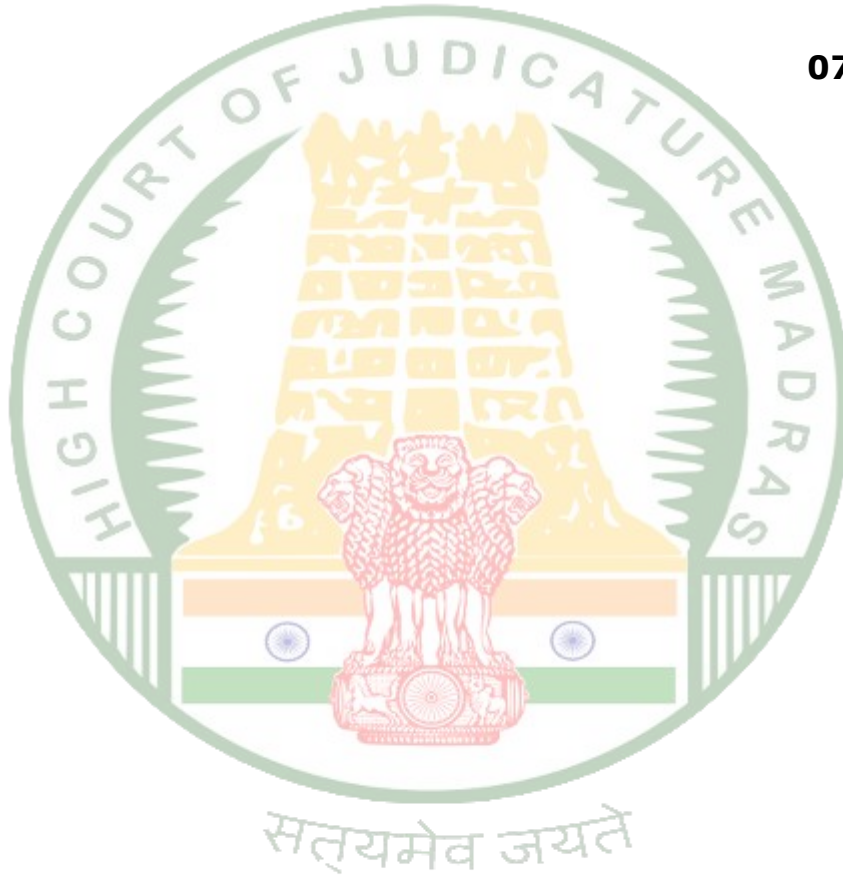


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