

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.26084 of 2019

Sakthivel

...Petitioner

Vs.

1.R.Jegadeshwaran

2.V.Rajendran

3.The State

Rep. by its Inspector of Police,
Gudimangalam Police Station,
Tiruppur District

...Respondents

PRAYER:

The Criminal Original Petition is filed under Section 439(2) of CrPC to cancel the anticipatory bail granted to the respondents 1 & 2 in Crl.O.P.No.17488 of 2019 dated 05.07.2019.

For Petitioner : Mr.N.Umapahi

For R3 : Mr.B.Arulmozhimaran,
Government Advocate
(Crl.side)

ORDER

This petition has been filed to cancel the anticipatory bail granted to the respondents 1 & 2 by this Court in Crl.O.P.No.17488 of 2019 on 05.07.2019.

2. While granting anticipatory bail, this Court imposed the following conditions:

"5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are

directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.185 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Udumalpet on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the respondent police or the police office who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.185 of 2019, before the concerned Magistrate, at the time of executing bond.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."

3.The learned counsel for the petitioner submitted that this petition has been filed to cancel the anticipatory bail granted to the respondents 1 and 2 only on the ground that the respondents 1 and 2 did not comply with the condition imposed by this Court.

4.Whereas, the learned Government Advocate (CrI.side) submitted that the respondents 1 and 2 duly complied with the condition imposed by this Court i.e. the petitioners shall report before the respondent Police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. He further submits that the third respondent is about to file a final report.

5. It is seen that the respondents 1 and 2 duly complied with the condition imposed by this Court while granting anticipatory bail. Further, the third respondent is about to file final report. Considering the facts and circumstances of the case, this court finds no merits in this petition to cancel the anticipatory bail granted to the respondents 1 and 2. However, the third respondent is directed to complete the investigation in Cr.No.185 of 2019 and file final report within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, this criminal original petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.26084 of 2019

rr[co]
srg 03/02/2020



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