

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 4689 of 2020

G. Guhan

... Petitioner

Vs.

State Rep by
Inspector of Police,
P-1 Pulianthope Police Station,
Chennai
(Crime No.425/2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying, to set aside the order passed in Crl.M.P.No.13661 of 2019 dated 20.12.2019 on the file of the X Metropolitan Magistrate, Egmore at Chennai.

For Petitioner : Mr.S. Porkodi

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the order passed in Crl.M.P.No.13661 of 2019 dated 20.12.2019 on the file of the X Metropolitan Magistrate, Egmore, Chennai and to cancel the bail granted to the petitioner for the reason that the petitioner did not comply with the condition imposed while he was granted bail in Crl.M.P.No.13661 of 2019.

2. The learned counsel for the petitioner has submitted that the petitioner is already attending trial for similar offences and as such he could not be able to appear before the respondent, for the instant case.

3. The learned Additional Public Prosecutor appearing for the respondent, on instructions, submitted that the petitioner is also having bad antecedents and as such the prosecution prays to dismiss the bail granted the petitioner.

4. It is seen that the petitioner has already involved in two cases of similar in nature of offences and also facing trial. However, the petitioner was arrested and remanded to

judicial custody on 01.07.2019 in Crime No.425 of 2019. Considering the incarceration period, the bail was granted on 30.09.2019 and imposed the following conditions:-

"6. FINDING: A perusal of the case records, it reveals that the petitioners/A1 and A3 are remanded to the judicial custody on 01.07.2019 and they are incarcerated for nearly 92 days as on today. Also a perusal of the case records available with this Court, it is found that no bail has been granted either by this Court or by any higher forum which fact is even affirmed by the FIR clerk of this Court. In view of the petitioners/A1 and A3 are incarcerated for nearly 92 days and the police having not filed its final report, this Court is of the view that the petitioners/A1 and A3 is entitled for statutory bail as envisaged under Section 167(2) (a)(i) Cr.P.C. Hence, in the interest of justice, this Court is inclined to enlarge the petitioners on bail on the following conditions.

(a) Petitioners shall execute a bond for a sum of Rs.10,000/- along with two sureties for the like sum of the petitioners/A1 and A3 respectively.

(b) Petitioners shall appear before the respondent police daily at 8.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) Petitioners shall co-operate with the respondent police for completion of the investigation and they shall not tamper the witnesses either during investigation or trial.

(d) Petitioners shall not indulge in similar kind of activities and shall not abscond either during investigation or trial.

(e) On breach of the above conditions, the bail granted to the petitioners shall stand cancelled, automatically."

5. Accordingly, the petitioner was directed to appear before the respondent daily at 8.30 a.m for a period of two weeks and thereafter as and when required. The petitioner appeared for one week and thereafter, he did not appear before the respondent for incarceration purpose.

6. Considering the above, apart from the nature of offences committed by the petitioner and as he has also already incarcerated imprisonment for more than about three months, this Court is inclined to set aside the order passed by the learned Judicial Magistrate in CrI.M.P.No.13661 of 2019 dated 20.12.2019.

7. Accordingly, this petition is allowed on the condition that the petitioner shall report before the respondent / police, everyday twice, at 8.30 a.m and 6.30 p.m for a period of three weeks and thereafter as and when required for interrogation. If the petitioner fails to appear before the respondent for interrogation even for a single day, this order shall stands cancelled, automatically.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

1. The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.
 2. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.S.Porkodi, Advocate, sr 18284

CRL.O.P.No. 4689 of 2020

KS (CO)
AT (21/05/2020)

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