

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7240 of 2020

Balamurugan

... Petitioner

Vs.

State rep. by

The Inspector of Police

Dusi Police Station

Thiruvannamalai District

(Crime No.78 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.78 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Mohamed

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.02.2020 for the offence punishable under Section 174 Cr.P.C. @ 302 IPC, in Crime No.78 of 2020, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner was arrested on 10.02.2020. Interim bail was granted to the petitioner by this Court vide order dated 17.04.2020 in CrI.O.P.No.7240 of 2020 and thereafter, it had been periodically extended and the last extension was on 26.06.2020 and directed to be posted today.

3.The learned Government Advocate (Criminal Side) would submit that the investigation is almost over, however, final report has not been filed.

4.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, the interim bail granted by this Court vide order dated 17.04.2020 and subsequently extended on 26.06.2020 in CrI.O.P.No.7240 of 2020 is made absolute subject to the following conditions:

(a) Accordingly, the petitioner is ordered to surrender and furnish two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate Court, Cheyyar, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

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

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

(g) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-

14/07/2020

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,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

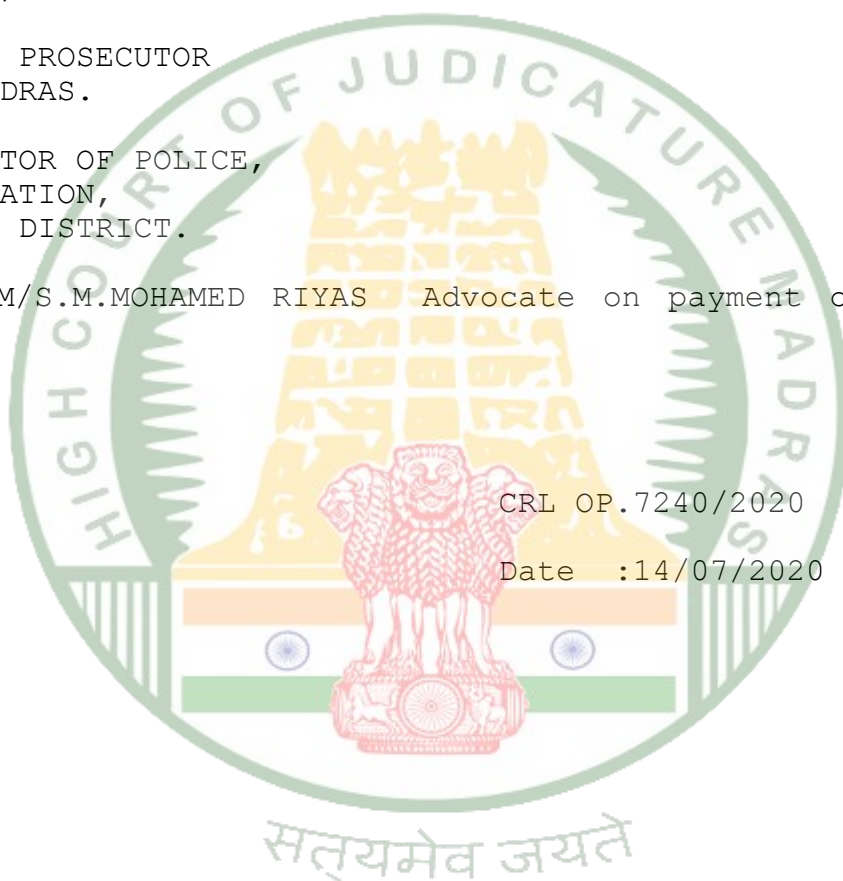
3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary
charges

cs 17/08/2020



CRL OP.7240/2020

Date :14/07/2020

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