

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.7241 of 2020

R. Sugumaran

... Petitioner

Vs.

State rep. By:
Inspector of Police,
Chennimalai Police Station,
Erode district
(Crime No. 76 /2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner / accused on bail pending investigation in Crime No.76/2020 on the file of the respondent

For Petitioners: Mr.R. Rajam

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

O R D E R

(This case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.03.2020 for the offences punishable under Sec. 5 (1) (2) , 6 r/w Sec. 17 of POSCO Act, in Crime No. 76 of 2020 seek bail.

2.When the matter is taken up for hearing today, learned counsel appearing for the petitioner submitted that the petitioner has been granted interim bail, by order dated 11.5.2020 with a condition to report before the respondent every day from 1.6.2020 and the petitioner has been complying with the condition. He would pray that the interim bail granted on 11.5.2020 may be made absolute.

3. Learned Govt. Advocate (crl.side) would submit that the petitioner is complying with the condition, however, medical examination has not been conducted and he would pray that a direction may be issued to the petitioner to cooperate with the respondent police for conducting medical examination.

4. At this juncture, learned counsel counsel for the petitioner submitted that the petitioner is prepared to cooperate with the respondent police for conducting medical examination

5. Taking into consideration of the facts and circumstances of the case, the interim bail already granted by this Court on 11.5.2020 is made absolute.

(a) Accordingly, the petitioner is ordered to surrender on executing **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Sessions Judge, Mahalir Needhimandram, Erode, within a period of two weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(b) 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;

(c) the petitioner shall subject himself for medical examination and shall cooperate with the respondent police.

(d) the petitioner shall appear before the respondent police every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required.

(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 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/07/2020

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 SESSIONS JUDGE,
MAHALIR NEEDHIMANDRAM,
ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CHENNAIMALAI POLICE STATION,
ERODE DISTRICT.

CC to M/S.R.RAJAN Advocate on payment of necessary charges

CRL OP.7241/2020

Date :17/07/2020

MK:25/08/2020