

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2020

CORAM :

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

Crl.O.P.No.7261 of 2020

Chandra

... Petitioner

Vs.

State rep. through the Inspector of Police
Thiruthuraipoondi Police Station
Thiruvarur District
(Cr.No.134 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.134 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.M.Srinivasan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 19.03.2020 for the offences punishable under Section 294(b), 302 and 307 IPC, in Crime No.134 of 2020, seeks bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner has been granted interim bail by this Court vide order dated 20.04.2020 and the petitioner has been complying with the conditions imposed by this Court regularly. He would also submit that the interim bail granted to A1 and A2 in Crl.O.P.Nos.7259 & 7260 of 2020 have been made absolute by this Court vide order dated 05.08.2020.

3.The learned Government Advocate (Criminal Side) would submit that the petitioner has been complying with the conditions imposed by this Court regularly. He would further submit that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate, Thiruthuraipoondi and is yet to be taken on file.

4. Taking into the consideration of the fact that the petitioner has been granted interim bail by this Court vide order dated 20.04.2020 and the final report has also been filed before the learned Judicial Magistrate, Thiruthuraipoondi, the interim bail granted by this Court vide order dated 20.04.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur District, within a period of two weeks after lifting of 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;

(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 after lifting of lockdown shall appear before the learned Judicial Magistrate, Thiruthuraipoondi on the first working day of every month at 10.30 a.m until further orders.

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

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

5. With the above direction, this Criminal Original Petition stands ordered.

-sd/-

27/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
TRICHY

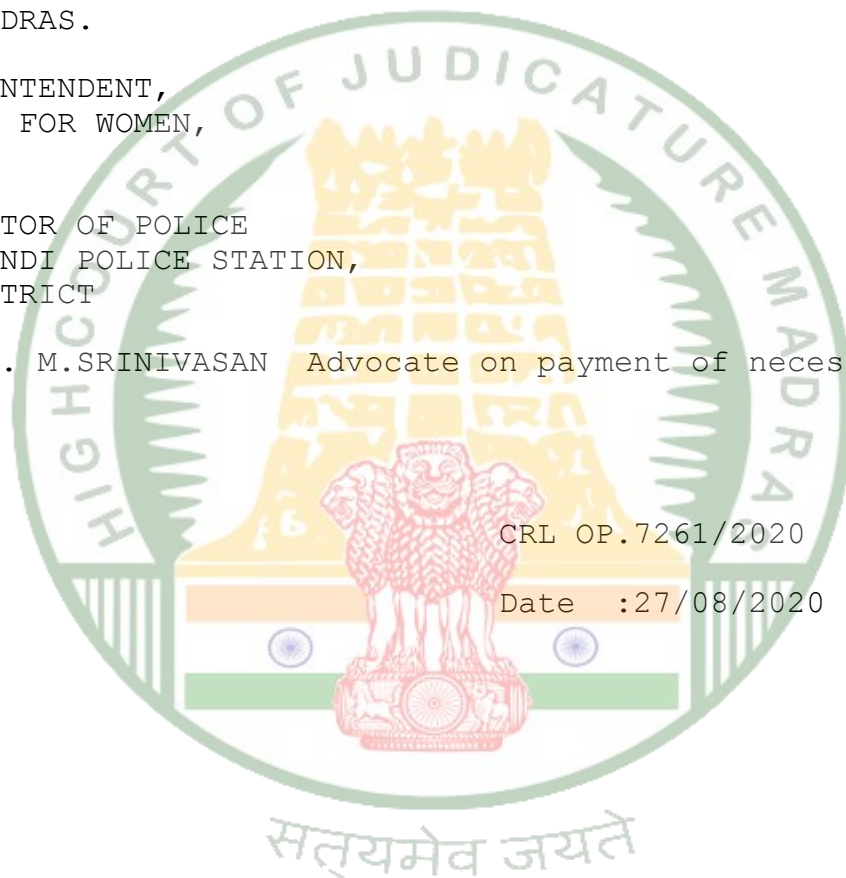
5 THE INPSECTOR OF POLICE
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT

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

CRL OP.7261/2020

Date :27/08/2020

cs 08/09/2020



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