

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2020

CORAM :

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

Crl.O.P.No.7272 of 2020

Murugesan

... Petitioner

- Vs. -

State rep. by The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime.No.271/2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.271 of 2020 on the file of Inspector of Police, Sooramangalam Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested on 23.03.2020, for the offences punishable under Sections 147, 294(b), 323, 353 and 307 IPC, in Crime No.271 of 2020 on the file of the respondent police, seeks bail.

2. Today when the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner has been granted interim bail by this Court on 22.04.2020 for a period of 12 weeks and he has been directed to appear before the respondent and he has been complying with the conditions.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has been complying with the conditions and that investigation in this case has been completed and the respondent is yet to file the final report.

4.Taking into consideration of the facts and circumstances of the case, the interim bail granted on 22.04.2020 is made absolute subject to the following conditions:-

(a) the Petitioner shall surrender and execute a bond for a sum of Rs.10,000/- with two sureties for a like sum, before the learned Judicial Magistrate-II, Salem, 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;

(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 appear before the learned Judicial Magistrate-II, Salem, on the first working day of every month 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 directions, this Criminal Original Petition is ordered.

-sd/-
21/07/2020

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 NO.II,
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT.

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

CRL OP.7272/2020

Date :21/07/2020

MK:19/08/2020

WEB COPY