

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.7273 of 2020

Ahamath Ikbal

... Petitioner

Vs.

State rep. By:

Inspector of Police,

B3- Kitchipalayam Police Station,
Salem.

(Crime No. 229 /2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners / accused on bail pending investigation in Crime No.229/2020 on the file of the respondent

For Petitioner : Mr.R. Rajan

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 is arrayed as 12th accused, arrested and remanded to judicial custody on 16.04.2020 for the offences punishable u/s.269,270, 278 IPC, section 13, 14 of Foreigners Act, 1946, sec.3 of Epidemic Act 1897, Sec.58(4) of Tamilnadu Public Health Act 1977 and sec.51(b) of Nation Disaster Management Act, 2005, in Crime No. 229 of 2020 seek bail.

2.When the matter is taken up for hearing today, learned counsel appearing for the petitioner submitted that this Court, by order dated 6.5.2020 has granted interim bail for a period of eight weeks on condition that the petitioner shall surrender the passport to the Superintendent of concerned prison. The petitioner has surrendered his passport before Superintendent of Central Prison, Chennai. Therefore he moved relaxation petition in Crl.M.P.No.4145 of 2020, wherein, this court, by an order dated 12.6.2020 was pleased to relax and permitted the petitioner to go to his native place at Vedharanyam. He would further submit that the petitioner is ready to appear before the respondent police as and when required for interrogation, thus, he prayed that the

<https://nseervicesecord.gov.in/nseervicesecord> to him may be made absolute.

3. Learned Govt. Advocate (crl.side) would submit that the investigation is pending in this case.

4. Taking into consideration of the facts and circumstances of the case, the interim bail already granted by this Court on 6.5.2020 is made absolute.

(a) Accordingly, the petitioner is ordered to surrender and execute/furnish **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Salem 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 appear before the respondent police as and when required for interrogation.

(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 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];

(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/-
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 JUDICIAL MAGISTRATE NO.II,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

4 THE PRISONER,
SUB JAIL, SAIDAPET, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
B-3, KITCHIPALAYAM POLICE STATION,
SALEM

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

CRL OP.7273/2020

Date :17/07/2020

MK:20/08/2020