

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

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

Crl.O.P.No.7330 of 2020

K.Anand Kumar
S/o.P.Karupaiyaa

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Land Grabing Wing
Central Crime Branch
Chennai
(Cr.No.48 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.48 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Balasubramaniam

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, for the offence punishable under Sections 419, 465, 467, 468, 471 read with 120(b) IPC, in Crime No.48 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 28.04.2020 for a period of twelve weeks with a condition to deposit his passport before the Superintendent of Police, however, since the petitioner's passport was at Manipur, the petitioner had mentioned the same before this Court and this Court directed the petitioner to deposit the passport before the concerned Magistrate within a period of six weeks, hence, the petitioner was enlarged on bail on 01.05.2020. He would further submit that the passport is now with him and he is prepared to deposit the same before the concerned Magistrate.

3.Taking into consideration of the facts and circumstances, also considering the submissions made by the learned counsel that the petitioner is a resident of Chennai and he is prepared to deposit his passport before the concerned Magistrate, the interim bail granted by

this Court vide order dated 28.04.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to surrender his passport and on condition to execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Special Court of Metropolitan Magistrate for Land Grabbing Cases - II, Egmore, Chennai, 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 shall report before the respondent police after lifting down of lock down daily at 10.30 a.m. for a period of two weeks and thereafter 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 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, the Criminal Original Petition is ordered.

-sd/-
29/07/2020

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 SPECIAL COURT OF
METROPOLITAN MAGISTRATE FOR LAND GRABBING
CASES-II, EGMORE, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INPSECTOR OF POLICE
LAND GRABING WING CENTRAL CRIME BRANCH-I,
CHENNAI

CC to K.BALASUBRAMANIAM Advocate on payment of necessary
charges

RD 27/08/2020



CRL OP.7330/2020

Date :29/07/2020

WEB COPY