

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2020

CORAM :

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

Crl.O.P.No.7342 of 2020

1.Saminathan
2.Kulandhaivelu

...Petitioners

Vs.

State by
The Inspector of Police
Periyanaickenpalayam Police Station
Coimbatore District.
(Cr.No.82 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.82 of 2020 pending investigation on the file of the Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore District.

For Petitioners : Mr.K.Gangadaran

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 14.02.2020 for the offence punishable under Sections 174 Cr.P.C. and altered into 302 IPC, in Crime No.82 of 2020, seek bail.

2.The learned counsel appearing for the petitioners would submit that the petitioners have been granted interim bail by this Court vide order dated 12.05.2020 for a period of eight weeks. Till date the respondent police have not filed the final report, thereby, he prays to make the interim bail granted by this court absolute.

3.The learned Government Advocate (Criminal Side) would submit that the investigation has been completed and it is pending opinion from the Assistant Director of Prosecution. The petitioners are

regularly complying with the conditions imposed by this Court vide order dated 12.05.2020.

4. Taking into the consideration of the fact that the petitioners have been granted interim bail by this Court vide order dated 12.05.2020 and the final report has not been filed by the respondent and also the fact that the petitioners are regularly complying with the conditions imposed by this Court, the interim bail granted by this Court vide order dated 12.05.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioners are directed to surrender and execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.5, Coimbatore, 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 petitioners shall report before the respondent police on every Monday at 10.30 a.m. until further orders.**

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

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

(f) the petitioners 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 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];

(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/-

16/07/2020

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.5
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYANAICKENPALAYAM POLICE STATION
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.7342/2020

Date :16/07/2020

TA-14/08/2020

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