

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.7410 of 2020

Sakthivel

... Petitioner

Vs.

The State Represented by
The Inspector of Police
Mallur Police Station
Salem District
(Cr.No.42 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.42 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Sankarasubbu

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 01.03.2020 for the offences punishable under Section 147, 148, 341, 302 IPC, in Crime No.42 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 04.05.2020. 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.

4.Taking into the consideration of the fact that the petitioner has been granted interim bail by this Court vide order dated 04.05.2020 and the final report has not been filed by the respondent, the interim bail granted by this Court vide order dated 04.05.2020 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 No.VI, Salem, 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 learned Judicial Magistrate No.VI, Salem, 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 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/-

05/08/2020

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 PRINCIPAL SESSIONS JUDGE,
SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.VI, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

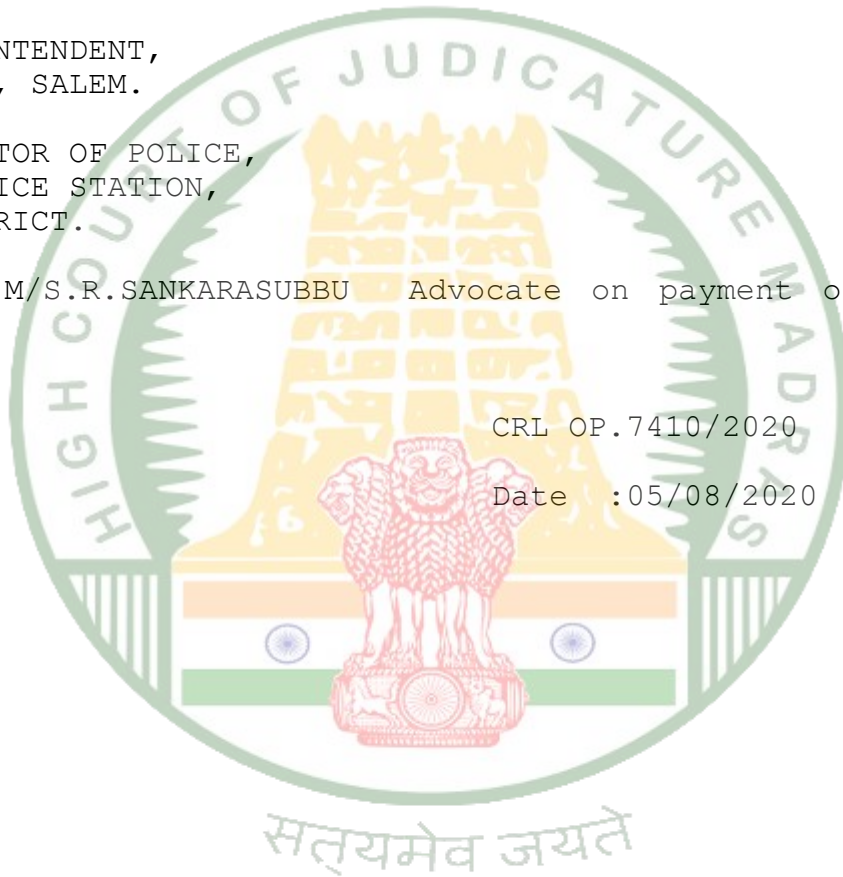
5 THE INSPECTOR OF POLICE,
MALLUR POLICE STATION,
SALEM DISTRICT.

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

CRL OP.7410/2020

Date :05/08/2020

RVR 11/09/2020



WEB COPY