

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2020

CORAM :

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

Crl.O.P.Nos.7434 & 7435 of 2020

1.Madhan

2.S.Vignesh @ Thakkali Vikki

3.Dhilip Kumar

... Petitioners in Crl.O.P.7434/2020

1.Dinesh @ Murali @ Merli

2.Vignesh Kumar @ Sullan Viki ... Petitioners in Crl.O.P.7435/2020

Vs.

State Rep. by

The Inspector of Police

Government Hospital Police Station

Erode, Erode District

(Cr.No.10 of 2020)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.10 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan in both Crl.O.Ps.

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

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 15.02.2020 for the offence punishable under Sections 392 & 397 IPC, in Crime No.10 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 07.05.2020 for a period of eight weeks. He would further submit that the present case has been filed only to invoke Act 14 and reading of FIR would prove the same.

3.The learned Government Advocate (Criminal Side) would submit that the investigation has been completed and final report has also been filed for the offences under Sections 392 IPC before the learned Judicial Magistrate No.II, Erode, and the case has been taken up in C.C.No.234 of 2020.

4.Taking into consideration of the facts and circumstances, also considering the submissions made by the learned counsels, the interim bail granted by this Court vide order dated 07.05.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioners are directed to surrender on executing two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Erode, 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 petitioners shall appear before the Trial Court on the 1st working day of every month after resuming of the Court for a period of three months, thereafter, as directed by the Trial Court.

(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 directions, these Criminal Original Petition are ordered.

-sd/-  
13/07/2020

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, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE  
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
GOVERNMENT HOSPITAL POLICE STATION,  
ERODE, ERODE DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL Ops.7434 & 7435/2020

Date :13/07/2020

cs 04/08/2020