

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2020

CORAM :

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

Crl.O.P.No.7505 of 2020

Abdul Hakkim

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
(Crime No.229 /2020)

... Respondent

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

For Petitioner : Mr. P. Murugesan

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 was arrayed arrested and remanded to judicial custody on 24.04.2020 for the offences punishable under Section 269, 270, 278 IPC @ 353 IPC, Section 13, 14 of the Foreigners Act, Section 3 of Epidemic Act, 1897, Section 58(4) of Tamil Nadu Public Health Act, 1977 and Section 51(b) of The Nation Disaster Management Act, 2005, in Crime No. 229 of 2020 seeks bail.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that this Court, by order dated 12.5.2020 has granted interim bail for a period of eight weeks and it was directed to be listed today. The petitioner has surrendered his passport before the Superintendent of concerned prison. He would further submit that the petitioner is Indian Citizen and he has been complying with the conditions imposed by this court and thus prayed for making absolute the interim bail already granted.

3. The learned Government 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 12.05.2020 is made absolute.

(a) Accordingly, the petitioner is ordered 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, 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 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.

(i) the petitioner shall travel to Salem after obtaining proper permission from the Authorities concerned..

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/08/2020

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 JUDICIAL MAGISTRATE NO.II,
SALEM

2 THE SUPERINTENDENT,
SAIDAPET SUB JAIL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM CITY.

CC to M/S.P.MURUGESAN Advocate on payment of necessary charges

CRL OP.7505/2020

MK:02/09/2020

Date :17/08/2020

WEB COPY