

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2020

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.O.P.No.7673 of 2020

Anand,
S/o.Nagarajan,
D.No.31, Bagavath Singh Street,
Moor Market,
Ganapathy,
Coimbatore District.Petitioner

Vs.
State represented by
The Inspector of Police,
E3-Saravanampatti Police Station,
Coimbatore District.Respondent

Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in P.R.C.No.27 of 2017 pending committal on the file of the Judicial Magistrate Court No.II, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.Karthikeyan
Additional Public
Prosecutor

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ORDER

The petitioner was arrested and remanded to judicial custody on 03.03.2020 for the offences punishable under Sections 147, 148, 341, 307, 302, 149 and 109 IPC in Crime No.580 of 2016 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 03.03.2020 by the respondent police. He further submitted that the occurrence is said to have been taken place in the year 2016. It is his further submission that the petitioner was already granted bail by the Judicial Magistrate No.II, Coimbatore and the entire investigation was completed and charge sheet was also filed by the respondent police in P.R.C.No.27 2017, which was pending on the file of the Judicial Magistrate Court No.II, Coimbatore. Thereafter, the petitioner was regularly appearing before the Judicial Magistrate Court No.II, Coimbatore. On 23.02.2020, the petitioner could not appear before the Magistrate Court, since she suffered from viral fever and the learned Magistrate issued NBW against the petitioner. The

petitioner was arrested and remanded to judicial custody on 03.03.2020 by the respondent police.

3.In this case the petitioner was granted bail in the year 2016 and thereafter was regularly complying with the condition. The charge sheet was filed by the respondent police in P.R.C.No.27 of 2017 on the file of the Judicial Magistrate Court No.II, Coimbatore, which is pending committal. Since some of the other accused did not appear before the trial Court, the case is yet to be committed. The petitioner was absent only on one hearing i.e., on 23.03.2020.

4.The learned Additional Public Prosecutor submitted that the petitioner was arrested on the strength of NBW issued by the Judicial Magistrate No.IV, Coimbatore on 23.03.2020. Though the petitioner was regularly appearing before the trial Court except for one hearing, due to non appearance of some of the accused, the case could not be committed from the year 2017 onwards and opposed the bail.

5. Considering the above facts and also taking note of the fact that the petitioner is in judicial custody from 03.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 01.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(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.

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nsd

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Principal District and Sessions Judge,
Coimbatore.

2. The Judicial Magistrate No.II,
Coimbatore.

3 The Inspector of Police,
E3-Saravanampatti Police Station,
Coimbatore District.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent of Prison,
Central Prison,
Coimbatore.



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M.NIRMAL KUMAR.J.

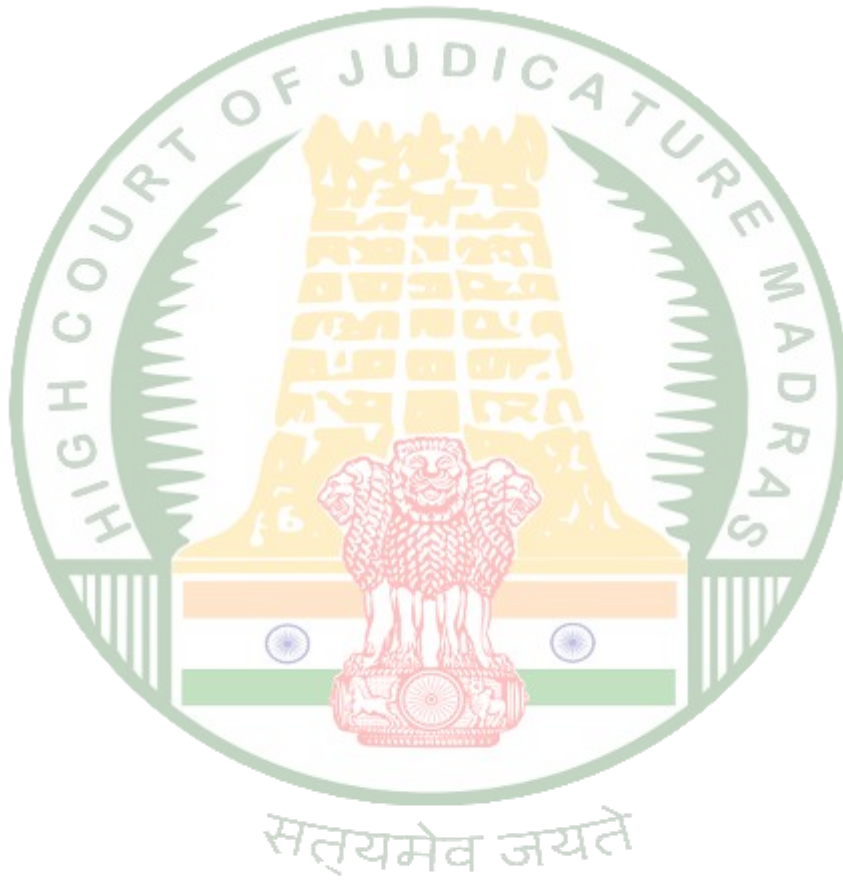
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