

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.7602 of 2020

and Crl.M.P.No.4112 of 2020

1. Syed Samsutheen @ Syathsamsu
2. MhamuthUvaisi
3. Abdul Salam
4. Sabir Basha

... Petitioners

Vs.

State rep. By:

Inspector of Police,

B3- Kitchipalayam Police Station,

Salem.

(Crime No. 229 /2020)

... Respondent

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

For Petitioners : Mr.S.Uthumanali

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

O R D E R

(This case has been heard through video conference)

The petitioners who were arrayed as 14th to 17th accused respectively, arrested and remanded to judicial custody on 16.04.2020 for the offences punishable u/s.269,270, 278 IPC, section 13, 14 of Foreigners Act, 1946, sec.3 of Epidemic Act1897, Sec.58(4) of Tamilnadu Public Health Act 1977 and sec.51(b) of Nation Disaster Management Act, 2005, in Crime No. 229 of 2020 seek bail.

2.When the matter is taken up for hearing today, learned counsel appearing for the petitioners submitted that this Court, by order dated 15.5.2020 has granted interim bail for a period of eight weeks and it was directed to be listed today. The petitioners have surrendered their passports. The 1st petitioner does not have passport and the petitioners 2 to 4 have passports and their passports have been surrendered before the Superintendent of concerned prison. He would further submit that

the petitioners are Indian Nationals and they have been complying with the conditions imposed by this court and thus prayed for making absolute the interim bail already granted. He would further submit that Crl.M.P.No.4112 of 2020 has been filed for modification of condition. The petitioners are residents of Salem and due to the condition imposed, they are now staying at Chennai and thus prays that the condition imposed may be modified.

3. Learned Govt. 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 6.5.2020 is made absolute.

(a) Accordingly, the petitioners are 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 petitioners shall appear before the respondent as and when required for interrogation.

(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.

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

5. With the above directions, this Criminal Original Petition is ordered. Consequently, the connected miscellaneous petition is closed.

-sd/-

17/07/2020

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 PRINCIPAL SESSIONS JUDGE,
SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

4 THE SUPERINTENDENT,
SUB-JAIL, SAIDAPET, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
B3 KITCHIPAPALAYAM POLICE STATION,
SALEM.

CC to M/S BFS LEGAL Advocate on payment of necessary charges

CRL OP.7602/2020

Date :17/07/2020

MK:20/08/2020

<https://hcservices.ecourts.gov.in/hcservices/>