

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.4276 of 2020 in Crl.OP.No.33988 of 2019

Crl.MP.No.4311 of 2020 in Crl.OP.No.33997 of 2019

1. Vijaykumar
2. Riyas

... Petitioners in both the cases

vs.

State rep.by
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
Crime No.408 of 2019

... Respondent in Crl.MP.4276/2020

State rep.by
The Inspector of Police,
Mel Chengam Police Station,
Thiruvannamalai District.
Crime No.457 of 2019

... Respondent in Crl.MP.4311/2020

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to modify the condition furnishing the instead of surety release the petitioner on his own bond imposed by this Court dated 23.01.2020 in Crl.M.P.Nos.754 & 751 of 2020 in Crl.OP.Nos.33988 & 33997 of 2019 in Cr.Nos.408 & 457 of 2019 respectively on the file of the respondent police.

For Petitioners : M/s.S.Senthilvel

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
in CRL.MP.Nos.4276 & 4311/2020
in CRL.OP.Nos.33988 & 33997/2019

For Respondent : Mr.Prabahar,
Additional Public Prosecutor
in CRL.MP.Nos.4811 & 4898/2020
in CRL.OP.Nos.33988 & 33997/2019

O R D E R

(The case has been heard through video conference)

The criminal miscellaneous petition has been filed to modify the condition furnishing instead of surety release the petitioner on his own bond imposed by this Court dated 23.01.2020 in Crl.M.P.No.754 & 751 of 2020 in Crl.OP.Nos.33988 & 33997 of 2019 in Cr.Nos.408 & 457 of 2019 respectively.

2. The learned Counsel for the petitioners submitted that the petitioners were granted bail in Crl.OP.Nos.33997, 33989 & 33988 of 2019 dated 19.12.2019 with the condition to execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two local sureties. Since the petitioners were unable to furnish local sureties they have filed petitions in Crl.M.P.Nos.751, 752 and 754 of 2020 and this Court by order dated 23.01.2020 was pleased to modify the condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- with two blood/relative sureties and it was also clarified that the two sureties who may be blood surety or other relative surety shall be different persons in each of the three cases. He further submitted that the petitioners were making preparations for arranging the sureties, meanwhile due to Covid Pandemic and lockdown the Courts have been closed and that the petitioners were unable to arrange sureties while being inside jail. He further submitted that if the petitioners are directed to be released on furnishing own bond before the jail authorities they will be able to come out and within a time frame fixed by this Court they will be able to furnish sureties as directed by this Court in Crl.M.P.No.751, 752 and 754 of 2020 dated 23.01.2020. He further submitted that the petitioners were arrested on 27.09.2019 and that they are in jail for more than 10 months.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are involved in theft of lorries.

4. Considering the above facts and circumstances of the case and the Covid-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall surrender within a period of two weeks from the date of lifting of lock down and the commencement of the Court's normal functioning whichever is earlier before the learned Judicial Magistrate I, Thiruvannamalai and execute the sureties as directed by this Court vide order dated 23.01.2020 in Crl.M.P.Nos.751 & 754 of 2020 in Crl.OP.Nos.33997 & 33988 of 2019, 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 petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

(*) Amended as per order of this Court dated 13/08/2020 made in CrI.MP.No.4811/2020 in CrI.OP.No.33988/2019

() Amended as per order of this Court dated 17/08/2020 made in CrI.MP.No.4898/2020 in CrI.OP.No.33997/2019**

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, CHENGAM.

2 THE DISTRICT MUNSIF CUM
<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, KALASAPAKKAM.

3 THE JUDICIAL MAGISTRATE,
NO.I. THIRUVANNAMALAI.

4 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

5 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE
MEL CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

(*) (**) 8 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

9 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL-II, CHENNAI.

10 THE INSPECTOR OF POLICE
THANIPADI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

Order

in
CRL MPS.4276 & 4311/2020

in
CRL OPs.33988 & 33997/2019

Date :09/07/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 12/08/2020
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