

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.4409 to 4413 of 2020 in

Crl.O.P.No.32769, 32749, 32767,

32768, 32897 of 2019

Vanshankar @ Kutty

...Petitioner in all petitions

Vs.

State Rep by.

The Inspector of Police,
Valangaiman Police Station,
Tiruvarur District.

... Respondent in all petitions

Prayer: Criminal Original Petitions have been filed for
modification

For Petitioner : Mr.J.Vasu (in all petitions)

For Respondent : Mr.M.Mohamed Riyaz (in all petitions)
Additional Public Prosecutor

COMMON ORDER

(This case has been heard through video conference)

Crl.M.P.No.4409 of 2019: This petition has been filed to modify the condition in para 4 of the order passed in Crl.MM.P.No.457 of 2020 in Crl.O.P.No.32749 of 2019 on 31.01.2020 and release the petitioner on bail granted in Crl.O.P.No.32749 of 2019, without surety.

Crl.M.P.No.4410 of 2019: This petition has been filed to modify the condition in para 4 of the order passed in Crl.M.P.No.452 of 2020 in Crl.O.P.No.32768 of 2019 on 31.01.2020 and release the petitioner on bail granted in Crl.O.P.No.32768 of 2019, without surety.

Crl.M.P.No.4411 of 2019: This petition has been filed to modify the condition in para 4 of the order passed in Crl.M.P.No.455 of 2020 in Crl.O.P.No.32897 of 2019 on 31.01.2020 and release the petitioner on bail granted in Crl.O.P.No.32897 of 2019, without surety.

Crl.M.P.No.4412 of 2019: This petition has been filed to modify the condition in para 4 of the order passed in Crl.M.P.No.449

of 2020 in Crl.O.P.No.32767 of 2019 on 31.01.2020 and release the petitioner on bail granted already granted +in Crl.O.P.No.32767 of 2019, without surety.

Crl.M.P.No.4413 of 2019: This petition has been filed to modify the condition in para 4 of the order passed in Crl.M.P.No.450 of 2020 in Crl.O.P.No.32769 of 2019 on 31.01.2020 and release the petitioner on bail originally granted in Crl.O.P.No.32897 of 2019 on 05.12.2019, without surety.

2. The Petitioner was arrested and remanded in Judicial custody on 12.09.2019 in Crime No.270 of 2019 and Crime No.153 of 2019 and further formally arrested on 17.09.2020 and 21.09.2019 in Crime No.235 of 2019, 214 of 2019 and 254/2019 for the offences punishable under Sections 457 and 392 IPC by the respondent police.

3. This court vide order dated 5.12.2019 passed in Crl.M.P.No. 32749 of 2019, 32768 of 2019, 32897 of 2019, 32767 of 2019 and 32769 of 2019 respectively, has granted bail to the petitioner on executing a bond for a sum of Rs.25,000/- with two sureties, out of which, one must be a government servant and other one is a local surety, each for a like sum to the satisfaction of the concerned court.

4. The petitioner had filed petitions in Crl.M.P.No.449, 450, 452, 455 and 457 of 2020 to modify the bail conditions with regard to the execution of two sureties i.e. one by government servant and another by local surety, since he was unable to produce the said sureties. This court vide order dated 31.01.2020 has modified the order by directing the petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, in which one of the sureties must be a blood surety instead of government surety and another must be a local surety, each for a likesum to the satisfaction of the concerned court.

5. Now, these petitions have been filed to to modify the condition in para 4 of the order passed on 31.01.2020 in Crl.M.P.No.457, 452, 455, 449 and 450 of 2020 in Crl.O.P.No.32749, 32768, 32897, 32767 and 32769 of 2019 respectively and release the petitioner on bail without surety.

6. The learned counsel appearing for the petitioner submitted that though the petitioner was granted bail on 5.12.2019 itself, he is unable to arrange the sureties, due to Covid Pandemic. He also submitted that the petitioner is a resident of Thirugurungudi, Nanguneri, Tirunelveli District and his relatives are also residing there and hence he is unable to produce a local surety in Tanjavur District. However, the petitioner is prepared to furnish surety of his close relative by way of blood, within the prescribed time and also abide by any condition imposed by this court.

7. The learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner by stating that the petitioner was arrested for the offences punishable under Section 457 and 392 IPC.

He would further submit that the petitioner had travelled in all the way from Thirunelveli District to Thanjavur District and involved in several offences.

8. Heard both sides. Perused the records.

9. Considering the facts and circumstances, this court is inclined to grant bail to the petitioner subject to the following conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of **Rs.25,000/- (Rupees twenty thousand only) with one surety for a like sum (Common for all cases and the surety should be a close relative related by blood)** before the concerned Judicial Magistrate;

[b] the petitioner shall report before the Valangaiman police Station daily at 10.30 a.m. and 5.30 p.m. until further orders;

[c] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

10. With the above directions, this criminal Miscellaneous petitions are ordered.

-sd/-
02/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN

2 THE JUDICIAL MAGISTRATE,
MANNILAM, THIRUVARUR DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 STATE REPRESENT BY
THE INSPECTOR OF POLICE
VALANGAIMAN POLICE STATION
TIRUVARUR DT.

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

Order

in
CRL MP.4409 to 4413/2020

in
CRL OP.32749, 32749, 32767,
32768, 32897 of 2019

Date : 02/09/2020

From 7.2.2001 the Registry is issuing certified
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RD 10/09/2020