

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDRA**

Crl.O.P.No.10386 of 2020

Rewati (F/29),
D/o.Muthaiah,
K-249/A, Guragon Road,
South Delhi District,
New Delhi.

...Petitioner

-Vs-

State represented by
Inspector of Police,
District Crime Branch.
(Crime No.527 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure praying to modify the condition imposed by Learned Principal District and Sessions Judge, Coimbatore vide order dated 24.06.2020 in C.M.P.No.1657 of 2020, on the file of the Learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.G.R.Deepak

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The learned counsel for the petitioner submitted that the petitioner a lady was arrested in Crime No.25 of 2019 registered by the respondent for the offences punishable under Sections 406 and 420 of I.P.C., on 23.11.2019. Since the final report was not filed within the statutory period, an application for bail was filed in Crl.M.P.No.257 of 2020 under Section 167(2) Cr.PC. The learned Magistrate was pleased to grant bail to the petitioner with the condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for like sum by sureties having local residence at Coimbatore and also to produce one lakh worth of solvency. The petitioner is a resident of Delhi and while she was making arrangements, the Courts were locked due to Covid-19 pandemic and thereafter, other Government offices were also closed and thereby the petitioner was unable to furnish solvency. Hence, she filed the petition in C.M.P.No.1657 of 2020 before the Principal District and Sessions Judge, Coimbatore seeking for modification of condition and the Court by an order dated 24.06.2020 was pleased to modify the

condition in respect of solvency, whereas directed to petitioner to execute a bond for Rs. 10,000/- (Rupees Ten Thousand), with two sureties having local residence at Coimbatore.

2. The learned counsel for the petitioner submitted that the petitioner being confined in jail is unable to arrange sureties having local residence at Coimbatore. The learned counsel for the petitioner further submitted that the petitioner was arrested on 23.11.2019 and unable to come out and languishing in jail and would submit that if the petitioner is directed to be released on own bond and some time is granted to her she will be able to come out and thereafter take steps to furnish sureties having local residence at Coimbatore within a time frame fixed by this court. He would further submit that the petitioner till such time undertakes to stay at Coimbatore and report before the Respondent Police.

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3. The learned Additional Public Prosecutor submitted that the petitioner was arrested on 23.11.2019 for the offences punishable under Sections 406 and 420 of I.P.C., since she is unable to furnish local

sureties she is languishing in jail.

4. Taking into consideration of the facts and circumstances and the submission made by the counsel that the petitioner is suffering incarceration from 23.11.2019, this Court modifies the conditions as follows :-

(a) Accordingly, the petitioner is ordered to be released on bail on executing her 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 and thereafter on her release;

(b) The petitioner shall execute two local sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.VI, Coimbatore, within a period of two weeks after lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, 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 stay at Coimbatore and report before the respondent police on every Monday at 10.30 a.m., until further orders.

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

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

(g) the petitioner 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 Original Petition is ordered.

10.07.2020

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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A.D.JAGADISH CHANDRA.J.,

Pns

To

1. Inspector of Police,
District Crime Branch.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Superintendent
Women's Central Prison, Coimbatore.

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