

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.13016 of 2020
and Crl.M.P.No.5073 of 2020

M.L.Ruban,
S/o.O.L.Michael,
Door No.10/800-A,
Elango Street,
Mugappair East,
Chennai - 600 037.

... Petitioner

Vs.

The State rep by
The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore.
Crime No.734 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order made in Crl.M.P.No.2267 of 2020 in Crime No.734 of 2020 dated 05.08.2020 on the file of the learned Judicial Magistrate No.II, Coimbatore and allow this Criminal Original Petition, thereby confirm the bail granted to the petitioner in C.M.P.No.64 of 2020 dated 10.06.2020 by the learned Judicial Magistrate No.II, Coimbatore.

For Petitioner : Mr.A.R.Suresh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

This petition has been filed challenging the order passed in Crl.M.P.No.2267 of 2020 in Crime No.734 of 2020 dated 05.08.2020 on the file of the learned Judicial Magistrate No.II, Coimbatore, thereby cancelled the bail granted to the petitioner in C.M.P.No.64 of 2020.

2. Heard Mr.A.R.Suresh, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that on the complaint lodged by the petitioner's wife, the respondent registered a case in Crime No. 734 of 2020 for the offences under Section 75(1)(c) of TN City Police Act, 1888 and Section 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The petitioner was arrested and remanded to judicial custody on 03.06.2020. The petitioner filed bail petition in C.M.P.No.64 of 2020 and the defacto complainant also filed intervening petition in C.M.P.No.77 of 2020 objecting the bail petition filed by the petitioner. After considering both petitions, the learned Judicial Magistrate No.II, Coimbatore, granted bail to the petitioner and the petitioner was enlarged on bail by an order dated 10.06.2020 on the following conditions:-

"a. The petitioner directed to enlarge on bail on execution of his own bond for Rs.10,000/- at present.

b. On release the petitioner directed to execute a bond for Rs.10,000/- with two sureties on or after 01.07.2020 and before 31.07.2020.

c. The petitioner directed to sign before the respondent police daily at 10.00 am., until further orders."

4. After execution of bond, the petitioner was released from prison on 10.06.2020. Thereafter, since he was in urgent need to attend his aged parents who are residing at Chennai, the petitioner went to Chennai. Thereafter due to pandemic of Covid-19, the petitioner could not able to comply the third condition imposed by the learned Judicial Magistrate No.II, Coimbatore and failed to report before the respondent police daily at 10.00 a.m., until further orders. Therefore, the petitioner filed a petition in Crl.M.P.No.1770 of 2020, for modification and the same was dismissed by an order dated 25.06.2020 by the learned Principal District and Sessions Court, Coimbatore.

5. Thereafter, the respondent herein filed a petition in Crl.M.P.No.2267 of 2020 before the learned Judicial Magistrate No.II, Coimbatore, for cancellation of bail granted to the petitioner. On receipt of notice, the petitioner also filed counter through E-mail on 05.08.2020. While pending the said petition, the petitioner and the defacto complainant entered into a memorandum of understanding dated 05.08.2020 and decided to file a petition for dissolution of their marriage and also filed on the same day. While being so, the learned Judicial Magistrate No.II, Coimbatore, allowed the petition filed by the respondent herein, thereby cancelled the bail granted to the petitioner herein.

6. Considering the above facts and circumstances of the case, and also considering the Covid-19 pandemic situation, this

Court is inclined to set aside the order passed by the learned Judicial Magistrate No.II, Coimbatore, in Crl.M.P.No.2267 of 2020 in Crime No.734 of 2020 dated 05.08.2020, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, on or before 04.09.2020 failing which, this order stands cancelled automatically without any further reference to this Court and the petitioner shall report before the respondent police daily at 10.30 am., from 07.09.2020 to 18.09.2020.

7. With the above directions, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No.II,
Coimbatore.
2. Thro' the chief Judicial Magistrate
Coimbatore.
3. The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai.

WEB COPY

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and Crl.M.P.No.5073 of 2020

EV(CO)
RV(16/09/2020)