

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl. O.P.No.21011 of 2020

1. Ravichandran
2. Thirugnanam
3. Dinesh
4. Ramesh @ Thiruvalapudur Ramesh
5. Silambarasan
6. Sasikala
7. Ramesh
8. Bharathidasan
9. Kalidass
10. Sridhar
11. Jawaharbabu
12. Vijay
13. Suresh

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.
(Cr. No. 130 of 2020)

... Respondent

Prayer: This Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.130 of 2020 on the file of the Respondent police.

For Petitioner : Mr.A.P. Sathyamurthy

For Respondent : Mr. M. Mohamed Muzammil
Government Advocate(Crl side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147,148, 120 B, 307, 302, 326, 201 r/w Section 302 of I.P.C.

2. Heard both sides.

3. The learned counsel for the petitioners submitted that they did not appear before the learned III Additional district and Sessions Judge on 06.11.2020 and therefore, Non bailable warrant was issued against the petitioners. Due to Covid-10 pandemic the petitioners have not appeared before the Court and he seek Anticipatory Bail.

5. The Learned Additional Public Prosecutor submitted that there are 14 accused in this case and so far trial has not yet been commenced.

6. Considering the fact that this case is of the year 2013 in S.C.No.138 of 2013 and also the fact the unless the petitioners appear before the Trial Court, the progress could not be made, this Court is of the view that the petitioners may be granted Anticipatory bail with a condition that the petitioners should co-operate for the day to day conduct of the trial. The learned III Additional District and Sessions Court, Salem, is also directed to conduct the trial on day to day basis and dispose the case at the earliest, preferably within a period of 3 months, from the date of receipt of the copy of this order

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned III Additional District and Sessions Court, Salem, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners should co-operate for the day to day conduct of the trial.

[e] the petitioners 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/12/2020

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 III ADDITIONAL DISTRICT
AND SESSIONS COURT, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MEENSURITY POLICE STATION,
ARIYALUR DISTRICT.

+1CC to M/S.A.P.SATHYAMURTHY Advocate on payment of
necessary charges SR NO.8779

CRL OP.21011/2020

Date :30/12/2020

MK:21/01/2021

WEB COPY