

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1439 of 2021

A.Duraimurugan

... Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
C1 Sriperumbudur Police Station,
Sriperumbudur,
Chennai.
(Crime No.122 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.122 of 2020 pending on the file of the respondent.

For Petitioner : Mr.S.Xavier Felix
For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is arrayed as a sole accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 153A (non-bailable) and 504 of I.P.C. in Crime No.122 of 2020. Earlier, the petitioner was granted anticipatory bail with a condition to report before the concerned court and execute surety. Since the petitioner is not able to execute the surety within a stipulated period granted by this court in CrI.M.P. No.7402 of 2020 seeking for extension of time, the same was dismissed with a liberty to file a fresh application. Hence, this petition has been filed seeking to grant anticipatory bail to the petitioner.

2. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

3. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sriperumbudur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required ;

[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 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];

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

4. With the above directions, this Criminal Original Petition is ordered.

-sd/-

02/02/2021

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 JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET DIST.[FOR INFORMATON]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

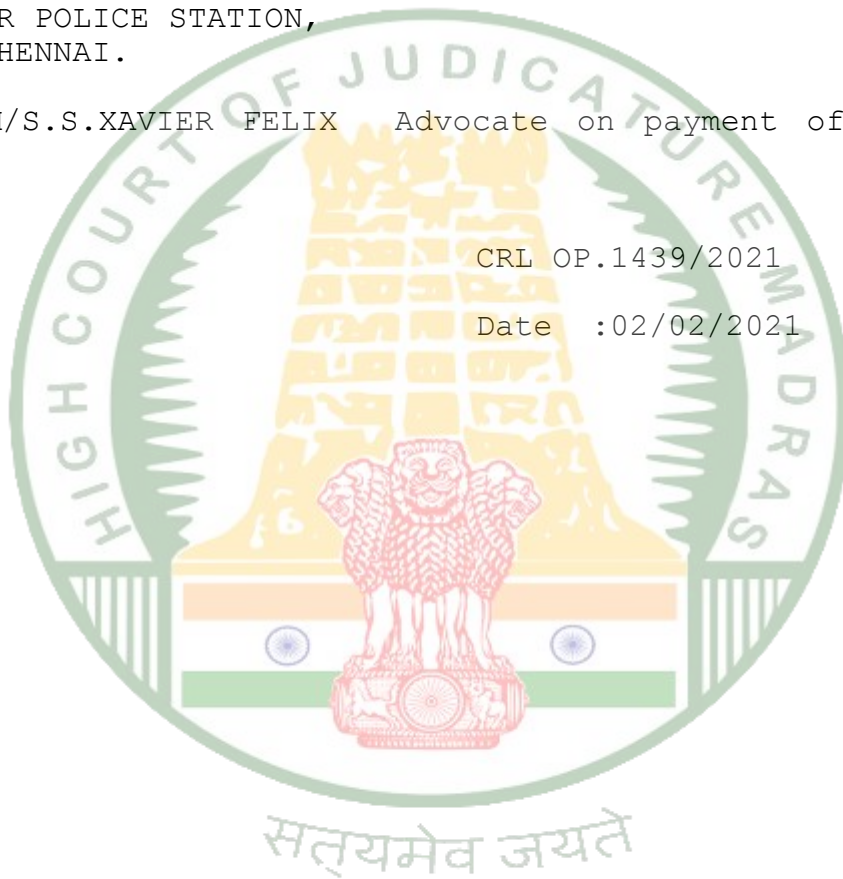
4 THE SUB INSPECTOR OF POLICE,
C1 SRIPERUMBUDUR POLICE STATION,
SRIPERUMBUDUR, CHENNAI.

CC to M/S.S.XAVIER FELIX Advocate on payment of necessary
charges

CRL OP.1439/2021

Date :02/02/2021

ksm08/02/2021



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