

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1697 of 2021

Devan @ Devaraj

... Petitioner/Accused

Vs.

The State Rep by

The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
(Crime No.71 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest, pending investigation in Crime No.71 of 2017 on the file of the respondent Police.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 324, 506(i) of IPC, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was earlier granted anticipatory bail application in CrI.M.P.No.433 of 2017 before the learned Principal District and Sessions Judge with a condition to execute sureties. Since, the petitioner did not execute sureties within the stipulated time the same has been dismissed. Hence he has filed the present application.

3. The learned counsel appearing for the petitioner would submit that due to some unavoidable reason he was not able to comply with the order and execute sureties and the earlier application in CrI.M.P.No.433 of 2017 before the learned Principal District and Sessions Judge. Hence, he prays for grant of anticipatory bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the crime is of the year 2017 and he deliberately avoided to comply with the condition and seeking further time to execute sureties and filed this second anticipatory bail application. Hence, he opposed to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that earlier the petitioner has granted anticipatory bail and the same was dismissed for the reason that the petitioner has not furnished sureties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the Judicial Magistrate, Denkanikottai on condition that the petitioners 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix thier 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 petitioner shall report before the respondent police daily at 10:30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner is directed to deposit Rs. 5,000/- as non-refundable deposit to The Tamil Nadu Advocate Clerk Association, Indian Bank High Court Branch', A/C.No.484026006, IFSC Code. No. IDIB000M157.

[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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
10/02/2021

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,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAYAKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

WEB COPY

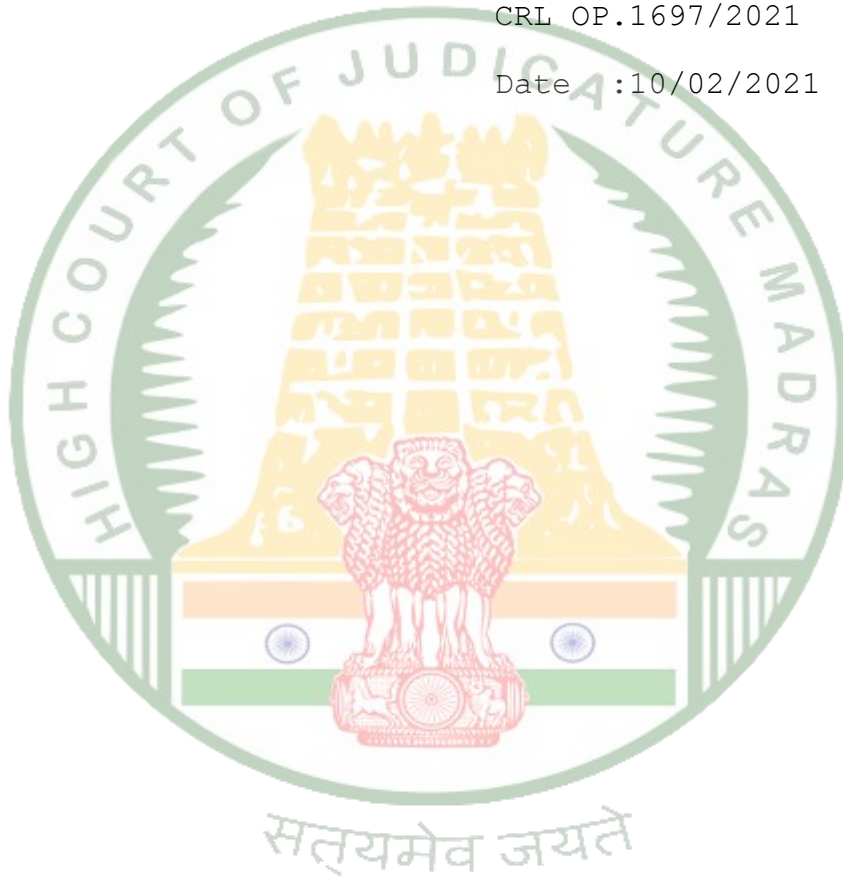
5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
INDIAN BANK HIGH COURT BRANCH,
A/C.NO.484026006,
IFSC CODE. NO. IDIB000M157

+1CC to M/S R.THIRUMOORTHY Advocate on payment of necessary
charges SR.No.1373

CRL OP.1697/2021

Date :10/02/2021

cs 19/02/2021



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