

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3565 of 2021

Kanalarasu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Meensurutti Police Station,
Ariyalur District.
Crime No.372 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.372 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. R. Prabakar

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 14.02.2021 for the offence punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC in Crime No.372 of 2020, seeks bail.

2. Totally, there are 14 accused and the petitioner is arrayed as A1. The case of the prosecution is that due to previous enmity, the petitioner along with other accused said to have abused the defacto in filthy language and also attacked him with iron pipe and caused grievous injuries to him. Hence, a complaint came to be registered.

3. The counsel for the petitioner would submit that earlier, this Court by an order dated 25.06.2020 in CrI.O.P.No.9351 of 2020 granted anticipatory bail to the petitioner. Since the petitioner failed to execute the sureties in time, this Court, by an order dated 29.09.2020 cancelled the bail and thereafter, the petitioner was arrested on 14.02.2021. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that even though anticipatory bail was granted to the petitioner, he could not execute the sureties and hence, the bail was cancelled and he was arrested. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that since the petitioner was not able to execute the sureties in time, anticipatory bail was cancelled and he was arrested and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate-II, Jayankondam, Ariyalur District, and on further conditions that:

(b) 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;

(c) 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.

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

23/02/2021

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,
NO.II, JAYANKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MEENSURUTTI POLICE STATION,
ARIYALUR DISTRICT

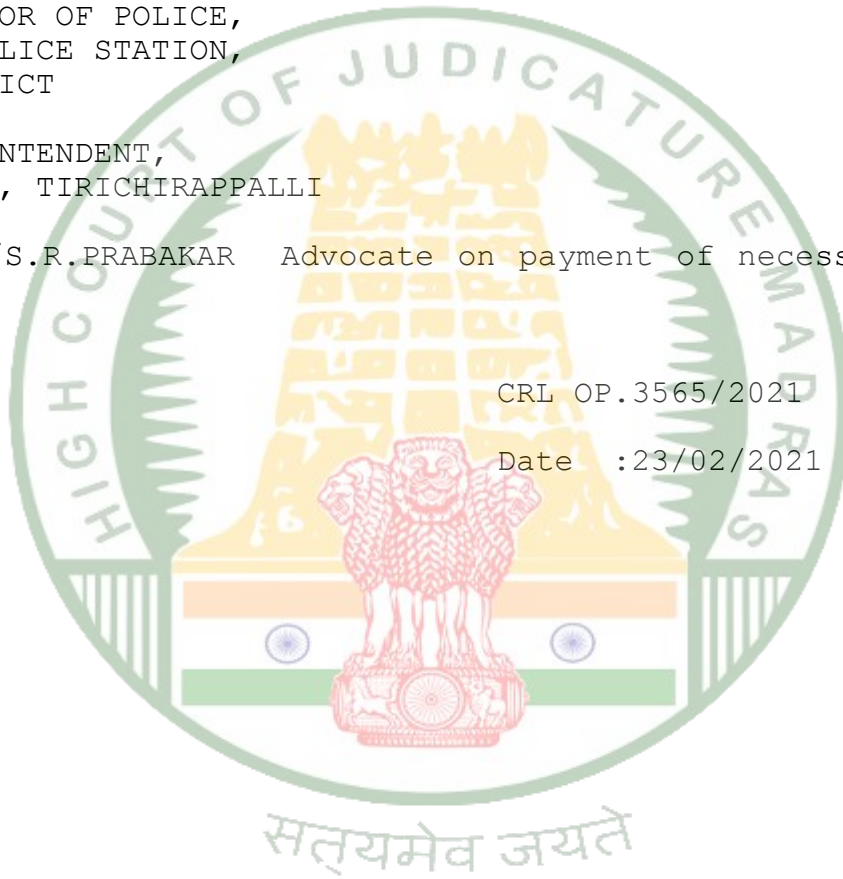
5 THE SUPERINTENDENT,
CENTRAL PRISON, TIRICHIRAPPALLI

CC to M/S.R.PRABAKAR Advocate on payment of necessary charges
Sr.2127

CRL OP.3565/2021

Date :23/02/2021

RVR 24/02/2021



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