

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.4489 of 2021

Janakar

...Petitioner/Accused

vs.

The State, rep by
The Sub-Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.982 of 2020)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the return order dated 23.01.2021 passed by the Principal Session Judge, Krishnagiri in unnumbered Crl. M.P. No. of 2021 and to direct the learned Principal Session Judge, Krishnagiri to take the said petition on file and to consider the same for granting absolute bail to the petitioner.

For Petitioner : Mr. R.Thirumoorthy

For Respondent : Mr. M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed challenging the docket order passed by the Court below returning the petition filed by the petitioner seeking for modification of the order passed in Criminal MP No.2150 of 2020, dated 06.11.2020.

2. The petitioner was arrested by the respondent police in Crime No.982 of 2020 and he was remanded to judicial custody on 03.11.2020. The petitioner filed a Bail Petition before the Court below in Criminal MP No.2150 of 2020. The Court below by

an order dated 06.11.2020 allowed the petition and ordered the release of the petitioner on interim bail till 26.11.2020 on executing a own bond for a sum of Rs.10,000/-. The petitioner was directed to surrender before the Judicial Magistrate Court, Pochampalli on or before 30.11.2020 failing which the interim bail was ordered to stand automatically cancelled.

3. The petitioner seems to have been afflicted by the Corona Virus and as a result of the same, he was advised not to move around and to take rest. Hence the petitioner was not able to comply with the condition imposed by the Court below within the stipulated time. The consequence was that the interim bail granted by the Court below stood cancelled.

4. The petitioner apprehending arrest by the respondent Police filed an Anticipatory Bail Petition before this Court in CrI. OP No.18868 of 2020. This Court closed the petition and gave liberty to the petitioner to file an appropriate application before the Court below and seek for modification.

5. Pursuant to the orders passed by this Court, the petitioner filed an application seeking for modification by assigning reason as to why he was not able to comply with the condition within the stipulated time. The Court below instead of entertaining the application has chosen to return the application on the ground that already bail was granted to the petitioner. Left with no other option, the present petition has been filed before this Court.

6. Heard Mr.R.Thirumoorthy, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

7. Taking into consideration the facts and circumstances of the case and the peculiar situation in which the petitioner has been placed, this Criminal Original Petition is disposed of with the following directions:

a) There shall be a direction to the petitioner to surrender before the District Munsif cum Judicial Magistrate, Pochampalli, on or before 15.03.2021 and execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum;

b) The petitioner shall report the compliance of the condition imposed in Clause (a) before the Principal Sessions Judge, Krishnagiri, on 17.03.2021 by filing a Memo along with a copy of this order; and

c) The Principal Sessions Judge, Krishnagiri shall make the order of bail absolute by imposing appropriate conditions as the Court may deem fit.

8. It is made clear that if the petitioner fails to comply with any one of the conditions imposed by this Court, the interim bail granted by the Court below shall stand cancelled and it will be left open to the respondent Police to secure the petitioner and remand him to Judicial custody.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Principal Sessions Judge,
Krishnagiri.
2. The Sub-Inspector of Police,
Mathur Police Station,
Krishnagiri District.
3. The District Munsif cum Judicial Magistrate,
Pochampalli.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.R. Thirumurethy, Advocate, S.R.No.14638

GPL(CO)

SM/10/03/2021 (IT)

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