

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4195 of 2021

Salman @ Salman Sheik

... Petitioner

Vs.

State rep by

The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.

Cr.No.604 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation of the case in Cr.No.604 of 2020 on the file of the respondent.

For Petitioner : Mr.U. Kathiravan

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 23.12.2020 for the offence punishable under Sections 147, 148, 341, 294(b), & 307 of IPC in Crime No.604 of 2020, seeks bail.

2. Totally, there are five accused and the petitioner is A1. It is a case of jumped bail. Earlier, the petitioner was granted bail with a condition to appear before the respondent police daily. Since the petitioner failed to comply with the said condition, the bail was cancelled and he was arrested on 23.12.2020. Now, seeking bail the present application has been filed.

3. The learned counsel for the petitioner would submit that the petitioner was regularly appearing before the respondent police. Since the wife of the petitioner was pregnant at that time, he could not comply with the condition for some time as he had to take care of her. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that since the petitioner failed to complaint with the condition and also committed another offence, bail was cancelled. If he is released on bail, he will once again commit similar type of offence.

5. Considering the facts and circumstances of the case, 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 No.II, Aalandur, 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., until further orders;

(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 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];

(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/-
05/03/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
CHENNAI

+1CC to M/S.U.KATHIRAVAN Advocate on payment of necessary charges SR NO.2920

CRL OP.4195/2021

Date :05/03/2021

MK:08/03/2021

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