

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6588 of 2021

Babu

... Petitioner

-versus-

The State rep. By  
Inspector of Police,  
V-3, J.J.Nagar Police Station,  
Chennai.  
[Crime No.893 of 2020] .... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC No.33 of 2020 on the file of the Judicial Magistrate, Ambattur.

For Petitioner : Mr.S.Dhilipan

For Respondent : Mr.M. Prabavathi,  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who was arrested and remanded to judicial custody on 09.03.2021 in execution of Non Bailable Warrant issued by the learned Judicial Magistrate, Ambattur in PRC No.33 of 2020 pursuant to the cancellation of the bail granted in OLBP No.1364 of 2020 by order dated 30.07.2020 on the ground that the petitioner did not comply with the condition attached to the order of bail.

2. The learned counsel for the petitioner submitted that due to ill health, the petitioner could not comply with the earlier order and he is now ready to abide by any conditions that may be imposed by this court in the event of granting bail.

3. The learned Additional Public Prosecutor appearing for the respondent opposed petition for bail stating that the petitioner did not comply with the conditions attached to the order of bail and therefore, order of bail was cancelled and a non bailable warrant was issued and the petitioner was apprehended in execution of non bailable warrant and has been remanded to judicial custody.

4. Considering the submission made by the learned counsel for the petitioner and the other facts and circumstances of the case and also having regard to the period of incarceration of the petitioner, this court is inclined to release him on bail 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, Ambattur, 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, on his release on bail, shall report before the learned Judicial Magistrate, Ambattur, on all working days for eight weeks and thereafter, on all hearing dates without fail.

(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.

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

-sd/-

01/04/2021

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,  
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
V-3, J.J.NAGAR POLICE STATION,  
CHENNAI.

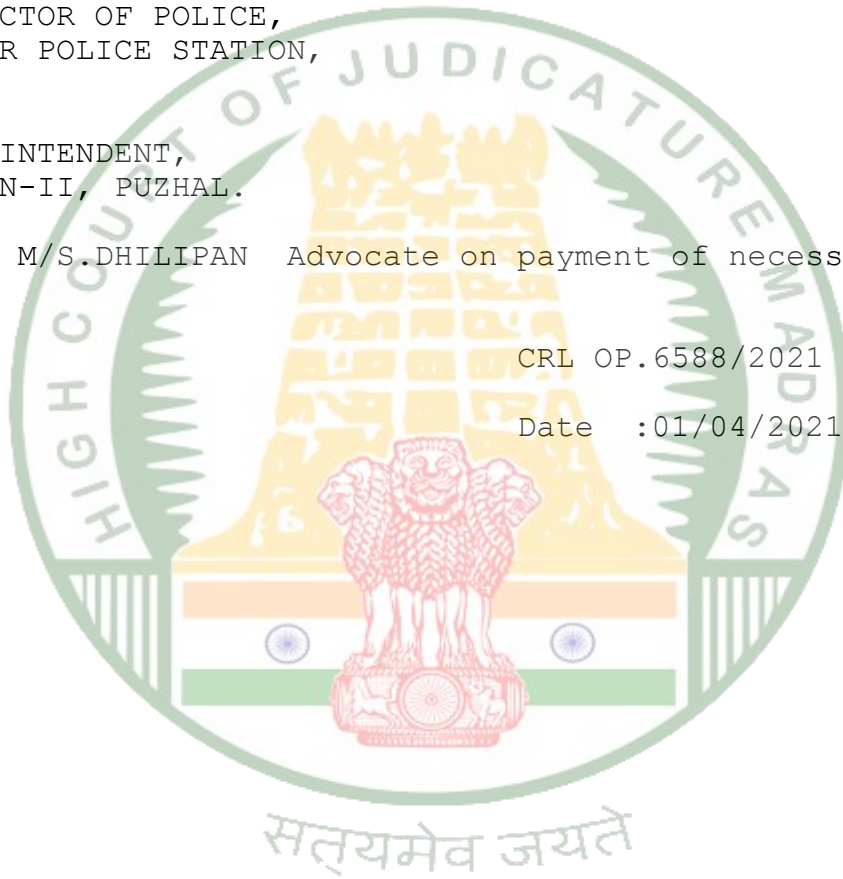
5 THE SUPERINTENDENT,  
CENTRAL PRISON-II, PUZHAI.

+1 CC to M/S.DHILIPAN Advocate on payment of necessary charges  
SR.NO.4371

CRL OP.6588/2021

Date :01/04/2021

TA-07/04/2021



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