

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.7873 of 2021

Rajesh @ Raja Sekar ... Petitioner

Vs.

State rep. by the
Inspector of Police,
Muthapudupet Police Station. ... Respondent
(Crime No.403 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail pending investigation in Cr.No.403 of 2020, on the file of the respondent-Police.

For Petitioner : Mr.K.Manikandan

For Respondent : Mr.K.Mathan
Government Advocate (Crl.Side)

O R D E R

The petitioner, who was arrayed as A3 in Crime No.403 of 2020, for the offences punishable under Sections 294(b), 324, 307, 506 (ii) IPC, on the file of the respondent-Police seeks bail, as second time, as the earlier bail granted by this Court was cancelled.

2. The case of the prosecution as per the defacto complainant one Ajay is that on 26.07.2020, the petitioner along with other accused persons abused him in filthy language and threatened him with dire consequences and also assaulted him with knife over the head and other parts of the body.

3. The learned counsel for the petitioner would submit that co-accused have been released on bail and the earlier bail granted by this Court was cancelled for the reason that the petitioner has not complied with the condition imposed by this Court and it now represented that the petitioner is ready to abide by any conditions to be imposed by this Court.

4. The learned Government Advocate (Criminal Side) would submit that on 09.09.2020, the bail was granted to the petitioner on condition that the petitioner should report before Villupuram Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders, but however, he failed to comply with the conditions and thereafter, the bail granted by this Court was cancelled on 16.10.2020. Thereafter, NBW warrant was issued and on the basis of NBW, the petitioner was arrested on 28.02.2021 and he is in judicial custody from 28.02.2021. The learned Government Advocate (Criminal Side) also not dispute the fact that the co-accused have been released on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials placed on record.

6. Taking into consideration of the facts and circumstances of the case, and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, so also the fact that the co-accused have already been released on bail, 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) before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- [Rupees Ten Thousand only], each for a likesum to the satisfaction of the learned Judicial Magistrate, Ambattur, failing which, the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) The petitioner, on his release from prison, shall report before the learned Judicial Magistrate, Ambattur, daily i.e., from Monday to Friday 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.

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

-sd/-

28/04/2021

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
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHAPUDUPET POLICE STATION.

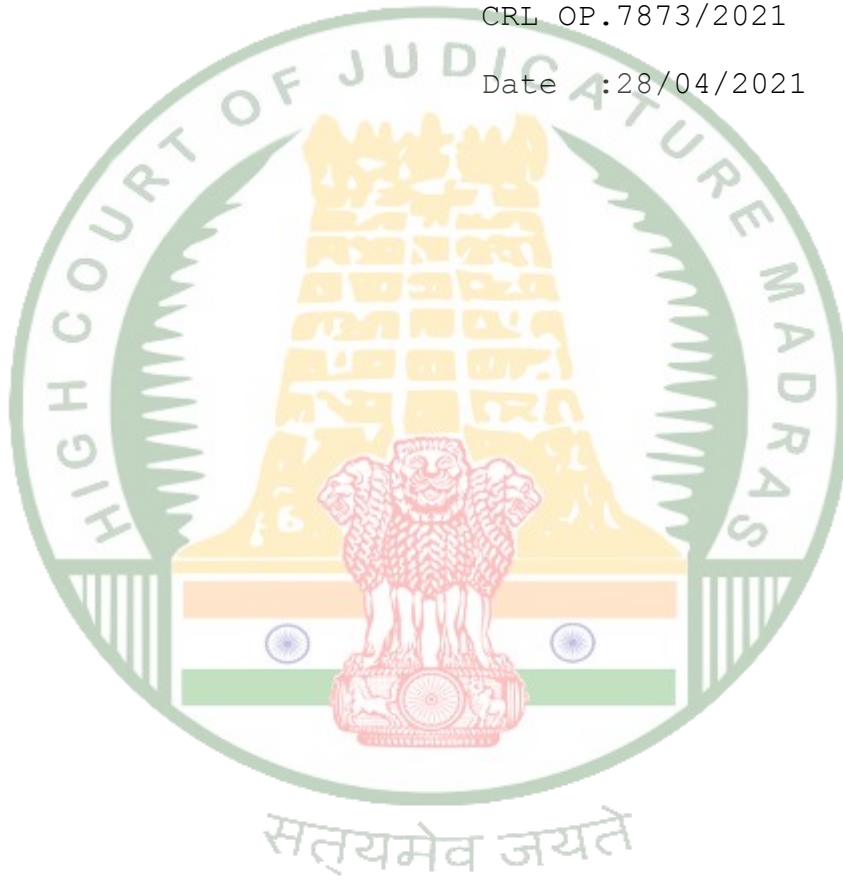
6 THE OFFICER INCHARGE
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

+1 CC to M/S. K.MANIKANDAN Advocate on payment of necessary
charges SR.No.5501

CRL OP.7873/2021

Date :28/04/2021

cs 29/04/2021



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