

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.7191 of 2020

M.Magudeeswaran

... Petitioner

-Vs-

The State

Rep by the Inspector of Police,
Madathukkulam Police Station,
Madathukkulam,
Tiruppur District.
(Crime No.80 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.80 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.K.Anandan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 307, 341 altered to 120 B, 307, 341, 506(ii) of IPC, in Crime No.80 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. This is the second anticipatory bail application before this Court. Earlier, this Court had already granted interim anticipatory bail to the petitioner on 31.03.2020, considering the facts due to Covid-19 pandemic.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. Considering the facts and circumstances of the case and that the petitioner had already granted interim anticipatory bail and the investigation has also been completed and the co-accused had already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Madathukkulam, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] 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/-
17/03/2021

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 COURT,
MADATHUKKULAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MADATHUKKULAM POLICE STATION,
MADATHUKULAM,
TIRUPPUR DISTRICT.

CC to M/S. K.ANANDAN Advocate on payment of necessary charges

CRL OP.7191/2020

Date :17/03/2021

MK:31/03/2021

WEB COPY