

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8367 of 2021

Gowtham Niwas

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Sankari Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.125 of 2021 pending on the file of the Inspector of Police, Sankari Police Station, Salem District.

For Petitioner : Mr.D.Arun

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 22.03.2021 for the offence under Sections 294(b), 323, 324, 392, 395 r/w 397 of IPC in Crime No.125 of 2021. He seeks bail.

3. The petitioner is not having any previous case but on the same day, the present case and another case have been slapped against the petitioner. The petitioner's counsel would further claim that the petitioner was working as a Friend of Police.

4. This court is of the view that the continued incarceration of the petitioner will not serve any purpose and hence, 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-I, Sankari, 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 from prison, shall report before the respondent police every day at 10.30.a.m for a period of six (6) weeks;

(d) the petitioner shall not apply for any relaxation or modification of the condition imposed by this Court;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/05/2021

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-I,
SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

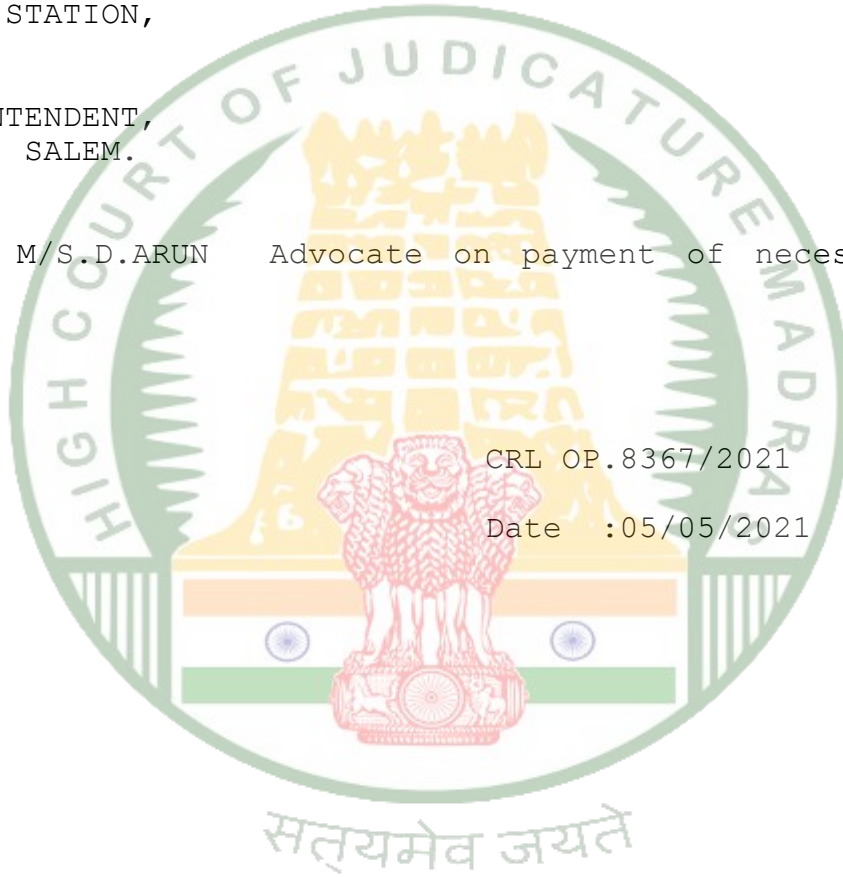
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.No. 5851

CRL OP.8367/2021

Date :05/05/2021

MN-06/05/2021



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