

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

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

Cr1.O.P.No.8533 of 2021

1. Afsal @ Mohammed Afsal
2. Akbar

... Petitioners

Vs.

State represented by
The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
(Crime No.18/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.18 of 2021 pending on the file of the respondent.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The first petitioner was arrested on 17.02.2021 while the second petitioner was arrested on 27.02.2021. The petitioners are figuring as A1 and A2 in Crime No.18 of 2021 registered on the file of the respondent police.

3. The learned counsel for the petitioners would state that even though the occurrence is alleged to have taken place on 11.01.2021, the complaint was given only on 19.01.2021. If the case of this nature had actually happened that too in a busy area, the affected party would not wait for eight days to lodge the complaint. This submission made by the learned counsel for the petitioners carries considerable weight. The learned counsel for the petitioners, on instructions gives an undertaking that the petitioners will appear before the respondent police daily at 10.30 a.m. until further orders.

4. The learned Government Advocate (Crl.Side) would state that the stolen vehicle has since been recovered.

5. Be that as it may, taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Madukkarai, 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 petitioners shall report before the respondent police daily at 10.30.a.m until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
05/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
MADUKKARAI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
COIMBATORE DISTRICT.

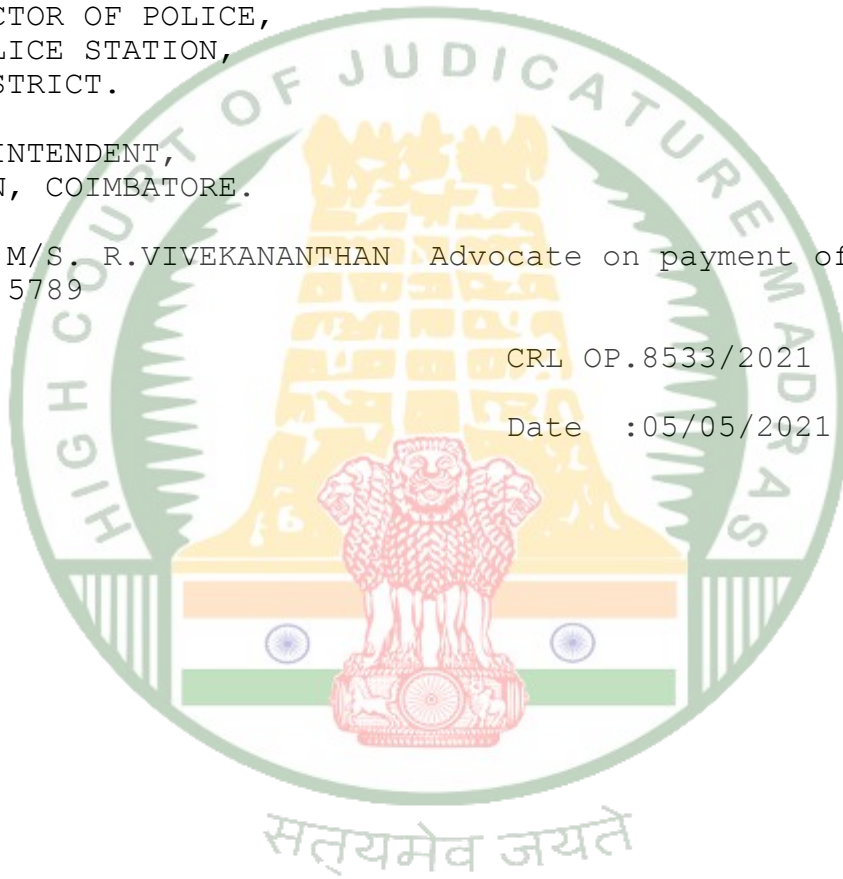
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S. R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO.5789

CRL OP.8533/2021

Date :05/05/2021

TA-06/05/2021



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