

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8647 of 2021

Rahul Dutta

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Erode North Police Station,
Erode, Erode District.
(Crime No.291 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.291 of 2019 on the file of the Inspector of Police, Erode North Police Station, Erode, Erode District.

For Petitioner : Mr.G.Vinodhkumar

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 12.04.2019 for the offence under Sections 364 (A), 342, 302 and 201 r/w 109 of IPC. The committal proceedings are over and the case is being pending on the file of the Sessions Court in S.C.No.17 of 2021 on the file of the learned Principal District Judge, Erode. He seeks bail.

3.The learned Government Advocate (Criminal Side) would point out that it is a case of murder for gain and would further point out that the petitioner being a native of Assam, may run away and if he absconds, it will not be possible to secure him again.

4. In view of the concern expressed by the learned Government Advocate, the learned counsel appearing for the petitioner in response, stated that the petitioner is willing to execute local sureties and that he will appear before the respondent Police on every alternate days at 06.00 PM and that he will not apply for relaxation of the condition, till the trial is over.

5. Recording the said undertaking given by the petitioner through his counsel, 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 No.I, Erode 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 alternate days at 6.00 p.m;

(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.

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

-sd/-

06/05/2021

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 NO.I,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

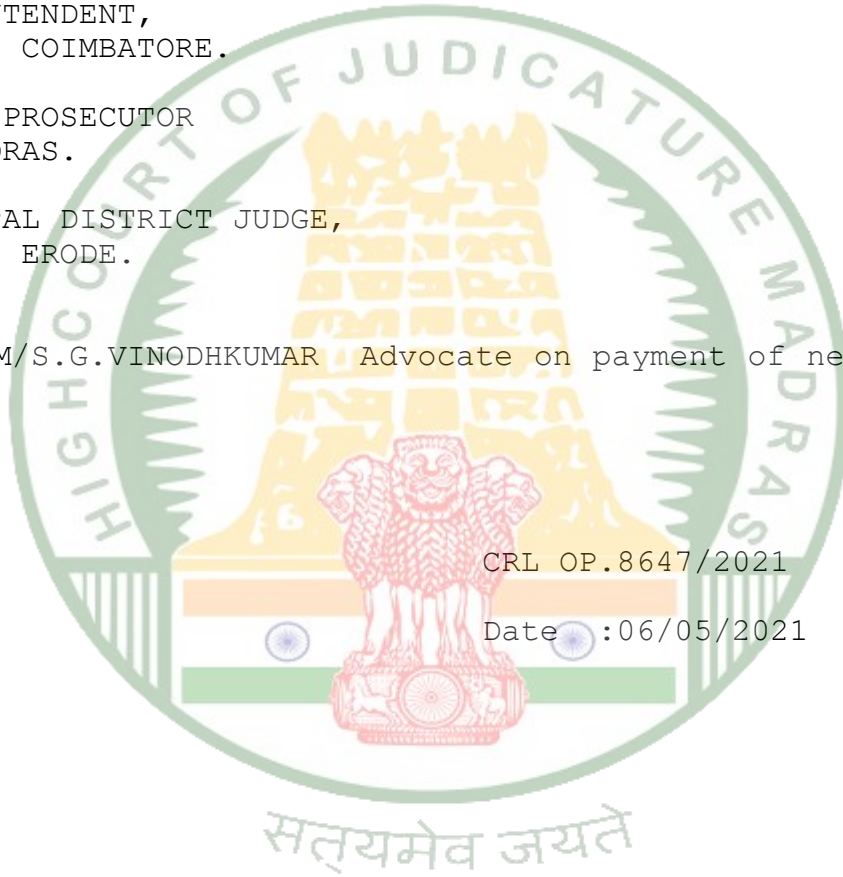
3 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE, ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE PRINCIPAL DISTRICT JUDGE,
SESSIONS COURT, ERODE.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges
SR.NO. 5889



MN-07/05/2021

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