

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.8653 of 2021

G.Venkatesan

.. Petitioner

Vs.

State by Inspector of Police
Kilvelur Police Station
Nagapattinam.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to release the petitioner on bail in Crime No.258 of 2021 on the file of the Inspector of Police, Kilvelur Police Station pending investigation.

For Petitioner : Mr.M.K.Subramanian

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

ORDER

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 02.04.2021 for the alleged offences under Sections 173, 294(b), 323, 342, 353, 427 IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.258 of 2021. He seeks bail.

3. This is a case of attack on Court Process Server. The petitioner, without prejudice to his defence in the trial, undertakes to submit a letter of apology addressed to the Court Process Server. The apology will be unconditional. Of course, this apology will not be put against the petitioner during trial or prejudice the defence in any way.

4. Recording the above undertaking, 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 Additional Fast Track Mahila (Judicial) Court, Nagapattinam 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 shall not commit any offences of similar nature;

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

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

(f) 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];

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

4. 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 JUDGE,
FAST TRACK MAHILA (JUDICIAL) COURT,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
KILVELUR POLICE STATION,
NAGAPATTINAM.

3 THE SUPERINTENDENT,
NAGAPATTINAM PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary
charges SR.NO. 5880

CRL OP.8653/2021

Date :06/05/2021

MN-07/05/2021



WEB COPY