

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16052 of 2020

State Rep. By
The Inspector of Police
K-4 Anna Nagar Police Station
Chennai - 600 040
(Crime No.378 of 2020)

...Petitioner / Respondent

Tr.Kalaiarasan
Assistant Engineer
Corporation of Chennai
Zone-8, Division 102
Anna Nagar
Chennai-600 040

... Defacto complainant

Vs.

Joseph

... Respondent/Petitioner/
Accused (A-4)

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to cancel the Bail order granted to the Respondent / Accused (A-4) by this Hon'ble High Court in Crl.O.P.No.11441 of 2020 dated 17.08.2020.

For Petitioners: Mr.C.Iyyappa Raj
Additional Public Prosecutor

For Respondent : Mr. R.Sasikumar

ORDER

(The case has been heard through video conference)

This petition has been filed by the first petitioner/respondent, the Inspector of Police, K-4 Anna Nagar Police Station, Chennai - 600 040, to cancel the bail granted to the respondent accused in Crl.O.P.No.11441 of 2020 dated 17.08.2020.

2. The learned Additional Public Prosecutor appearing for the first petitioner would submit that the respondent is an accused in Crime No.378 of 2020 registered for offence under Sections 147,

148, 294(b), 332, 324, 307, 506(II) IPC read with Sections 269, 297 IPC and Section 3(1) of the Prevention of Damage to Public Property Act, 1984, and the respondent accused is arrayed as A3. He would submit that the petitioner was arrested on 20.04.2020 and thereafter, the petitioner filed a petition seeking for bail in CrI.O.P.No.11441 of 2020 and that this Court was pleased to grant bail to the respondent/accused on 17.08.2020 with a condition that the respondent/accused on his release from prison shall report before the petitioner/respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders. Whereas, the respondent accused after coming out on bail, did not comply with the condition and thereby, the application has been filed seeking to cancel the bail granted to him on 17.08.2020. He would submit that the respondent accused is a notorious rowdy and habitual offender and has got History Sheet Book in H.S.No.10 of 2018 on the file of the petitioner/respondent and that he has also involved in four previous cases out of which, two cases have been registered for offence under Section 302 IPC. Thereby, he would insist for cancellation of bail.

3. The respondent has filed counter.

4. Mr.Sasi Kumar, the learned Counsel appearing for the respondent accused would submit that the respondent was arrested on 20.04.2020 and was detained in Central Prison, Puzhal. Thereafter, he was granted bail on 17.08.2020 and he was directed to execute a bond for a sum of Rs.10,000/- before the Superintendent of the concerned prison in which, he was confined. After the bail was communicated to the Superintendent of the concerned prison, the respondent after execution of bond for a sum of Rs.10,000/-, was released on bail. He would submit that the Counsel who had appeared for the respondent accused, did not contact him and the respondent was also not given the copy of the bail order. Thereby, the respondent accused was unable to comply with the order. He would further submit that the respondent accused is an uneducated person and that after coming out on bail, he was also affected by Covid due to which, he was unable to comply with the condition. He would further submit that now he understands that the investigation has been completed and the final report has also been filed and thereby, seeks indulgence of this Court stating that the respondent is prepared to comply with any stringent condition that may be imposed on him and he is also prepared to surrender before the learned V Metropolitan Magistrate, Egmore, Chennai, within the time frame to be fixed by this Court and execute sureties.

5. At this juncture, the learned Additional Public Prosecutor appearing for the petitioner would fairly concede that the investigation has been completed and the final report has been filed and it is pending committal in P.R.C.No.40 of 2020 on the file of the V Metropolitan, Magistrate, Egmore, Chennai.

6. Heard the learned Counsel on either side.

7. Taking into consideration the facts and circumstances and the submissions of the learned Counsels and also considering the age of the respondent/accused, this Court is not inclined entertain the petition seeking for cancellation of bail.

8. Accordingly, this Criminal Original Petition is dismissed.

9. However, a direction is issued to the respondent/accused to surrender before the learned V Metropolitan Magistrate, Egmore, Chennai, within a period of two weeks from the date of receipt of a copy of this order and to furnish two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, out of which, one surety shall be either the father or mother of the respondent accused. Further, the respondent accused is directed to appear before the V Metropolitan Magistrate, Egmore, Chennai, on all working days at 10.30 a.m. and he shall also appear before the petitioner/respondent police, everyday at 5.30 p.m., until further orders.

-sd/-

05/01/2021

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
K-4, ANNA NAGAR POLICE STATION,
CHENNAI-600 040.

+1 CC to R.SASIKUMAR Advocate on payment of necessary charges
SR NO.62

CRL OP.16052/2020

Date :05/01/2021

MN-18/01/2021