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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.20215 and 20217 of 2021

1.Prabhu

2.Anand @ Eli Anand

3.Parthiban

... Petitioners in Crl.O.P.20215/2021

Mr.Prakash @ Kulla Prakash

... Petitioner in Crl.O.P.20217/2021

Vs.

State rep. by

The Inspector of Police,
J.J.Nagar Police Station,
Mogappair East,
Chennai - 600 037.

(Crime No.945 of 2020)

... Respondent in both the Crl.O.Ps.

Common Prayer:

Petitions filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.945 of 2020 pending on the file of the respondent.

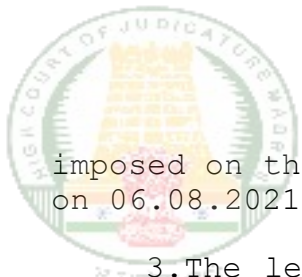
For Petitioners : Mr.M.Mohamed Saifulla

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

The petitioners who were remanded to judicial custody on 06.08.2021 for the offence under Sections 147, 148 of I.P.C., Section 25(1-A) of Arms Act and Section 9(B)(1)(b) of the Indian Explosives Act, 1884 in Crime No.945 of 2020 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the aforesaid offences. Subsequently, they were enlarged on bail, however, they did not comply with the conditions



imposed on them and hence, PT Warrant was issued and they were secured on 06.08.2021.

3.The learned counsel appearing for the petitioners would submit already the petitioners were enlarged on bail, however, they were not able to furnish the sureties, which is neither willful nor wanton. Hence, PT Warrant was issued against the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners in Crl.O.P.No.20215 of 2021 are arrayed as A3 to A5 and there are two previous cases as against A3 and A5 and three previous cases as against A4. The petitioner in Crl.O.P.No.20217 of 2021 is arrayed as A2 and there is no previous case as against A2.

5.Considering the fact that there are two previous cases as against A3 and A5 and three previous cases as against A4, this Court is not inclined to grant bail to the petitioners in Crl.O.P.No.20215 of 2021. Crl.O.P.No.20215 of 2021 is accordingly dismissed.

6.Considering the period of incarceration undergone by the petitioner in Crl.O.P.No.20217 of 2021 and since there is no previous case as against him, I am inclined to grant bail to the petitioner in Crl.O.P.No.20217 of 2021.

7.Accordingly, the petitioner in Crl.O.P.No.20217 of 2021 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate Court at Ambattur and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

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

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

(e)on breach of any of the aforesaid conditions, the learned 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 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]; and;

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

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-sd/-

29/10/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
V3 JJ NAGAR POLICE STATION,
MOGAPPAIR EAST, CHENNAI - 37.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI

+1 CC to M.MOHAMED SAIFULLA Advocate on payment of necessary charges SR.No.12122

CRL OP.20215/2021

Date :29/10/2021

APN 01/11/2021