



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.RC.No.199 of 2022

Logeswaran

S/O. Ashok Kumar

... Petitioner

Vs.

1.The State Rep. by

The Assistant Commissioner of Police,
(Crime Against Women and Children)
Deputy Commissioner Office Building,
Creams Road, Thousand Lights,
Chennai - 600 006.

2.The Inspector of Police,

W-35, All women Police Station,
Tambaram,

... Respondents

Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code praying to set aside the order passed by the Honourable Judicial Magistrate I, Tambaram in Crl.M.P.No.148 of 2022 in Crime No.5 of 2021 on the file of the second respondent and release the Petitioner on bail under section 167 (ii).

For Petitioner : M/s.D.Alexis Sudhakar

For R1 & R2 : Mr.L.A.J.Selvam

Government Advocate (Crl. Side)

JUDGMENT

The present Revision is filed for default bail under section 167 (ii) of Cr.P.C. The petitioner is in judicial custody for 116 days in a case registered in Crime No.5 of 2021 of the respondent police for an offence under section 376 and 506(ii) IPC. The case was initially registered by the 2nd respondent, later the investigation was transferred to the first respondent. The petitioner was earlier granted bail but, that came to be cancelled in Crl.O.P.No.13157 of 2021 filed by the victim Vide the order dated 13.09.2021.



2.It could be seen from the copy of the order made available in the typeset of papers, that this Court has cancelled the bail earlier granted not on the ground on which the defacto complainant has sought cancellation of bail, but on the ground that the bail itself was granted without transferee Investigating Agency before it. It is in this background, the petitioner has moved the Judicial Magistrate I, Tambaram in CrI.M.P.No.148 of 2022 for statutory bail under Section 167 (ii) of Cr.P.C.

3.Heard the learned Government Advocate (CrI.Side). He submitted that the investigation is complete and charge sheet has also been laid in the PRC No.3 of 2022.

4.Taking into consideration the duration of incarceration suffered by the petitioner and the line of the prosecution case and also the stage of investigation, this Court finds it appropriate to grant bail to the petitioner on the following conditions;

- (i) the petitioner shall be released on bail on he executing a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the Honorable Judicial Magistrate No.I, Tambaram;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.I, Tambaram, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iii) the petitioner shall report before the Judicial Magistrate - I , Tambaram, daily at 10.30 a.m for a period of 15 days and thereafter twice a week ie., on Monday's and Friday's at 10.30 a.m., until further orders;
- (iv) on breach of any of the aforesaid conditions, the Honorable Judicial Magistrate No.I, Tambaram 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 Honorable Judicial Magistrate No.I, Tambaram himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and
- (v) if the petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC;



5. In the result, the order passed by the Honorable Judicial Magistrate No.I, Tambaram in CrI.M.P.No.148 of 2022 on 24.01.2022 is set aside and the Criminal Revision Petition is accordingly allowed.

WEB COPY

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Tsg/dk

To

1. The Judicial Magistrate I,
Tambaram
2. Do Through The Chief Judicial Magistrate,
Chengalpattu.
3. The Superintendent of Prison,
Central Puzhal Prison,
Chennai.
4. The Inspector of Police,
W-35, All Women Police Station,
Tambaram.
5. The Assistant Commissioner of Police,
(Crime Against Women and Children)
Deputy Commissioner Office Building,
Creams Road, Thousand Lights,
Chennai-6.
6. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Copy To:

The Section Officer,
CrI.Section, High Court, Madras.

+1cc to Mr.D.Alexis Sudhakar, Advocate, S.R.No.13248

CrI.R.C.No.199 of 2022

PA(CO)
SB(01/03/2022)