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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4966 of 2022

Rajesh @ Sathish Kumar

...Petitioner

-Vs-

State Represented by
The Inspector of Police,
Vellithiruppur P.S,
Erode District.
In Crime No.15 of 2020.

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to set aside the order in C.M.P.No.2211 of 2021 dated 03.12.2021 on the file of Learned Judicial Magistrate No.II, Bhavani.

For Petitioner : Mr.S.Lakshmipathy

For Respondent : Mr.V.Meghanathan
Govt.Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed to set aside the order in C.M.P.No.2211 of 2021 dated 03.12.2021 on the file of Learned Judicial Magistrate No.II, Bhavani.

2. Learned counsel for the petitioner would submit that the petitioner is an accused in Crime No.15 of 2020 registered by Vellithiruppur Police Station for the offences under Sections 147, 148, 341, 120(B), 302 of IPC. The petitioner was arrested on 04.02.2020 and thereafter, since the charge sheet was not filed, the petitioner was granted bail under Section 167(2) of Cr.P.C. in C.M.P.No.916 of 2020 by order dated 24.06.2020. He would further submit that at the time of granting bail, the petitioner was imposed with a condition that he would produce sureties after lifting of lockdown, however, the Courts were closed on and off and thereby, the petitioner was unable to produce the sureties. Pursuant to the same, the learned Judge, without giving notice to the petitioner, had cancelled the bail.



3. Learned Government Advocate(Crl.side) for the respondent would submit that since the petitioner did not comply with the condition of furnishing the sureties and thereby the Court had cancelled the bail. He would further submit that the bail has been cancelled without notice to the petitioner.

4. At this juncture, learned counsel for the petitioner would submit that the petitioner is prepared to furnish the sureties as ordered.

5. Heard the learned counsel for the petitioner and learned Government Advocate(Crl.side) for the respondent and perused the materials available on record.

6. In view of the above, the order dated 03.12.2021 in C.M.P.No.2211 of 2021 passed by the learned Judicial Magistrate No.II, Bhavani stands set aside and as a consequence the order dated 24.06.2020 passed by the learned Judicial Magistrate No.II, Bhavani granting bail to the petitioner is restored.

7. However, he shall be released on bail on a condition that he executes a bond for Rs.20,000/-with two sureties for a likesum to the satisfaction of Judicial Magistrate No.II, Bhavani. The other condition imposed by the Court below shall stand unaltered.

8. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nr/nti

To

1.The Judicial Magistrate No.II,
Bhavani.

2.The Inspector of Police,
Vellithiruppur P.S,
Erode District.



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3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Lakshmipathy, Advocate Sr.18632

Cr1.O.P.No.4966 of 2022

nk[co]
srg 18/03/2022