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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7063 of 2022

Paulraj

... Petitioner

Vs.

The Inspector of Police,
Veeranam Police Station,
Salem District.

... Respondent

PRAYER : The Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to issue direction directing the Judicial Magistrate No.4, Salem to accept the sureties of the petitioner to comply the order made in C.M.P.No.2256 of 2020 on the file of Principal Session Judge, Salem dated 04.08.2020.

For Petitioner	: Ms.Premakumari
For Respondent	: Mr.A.Gokulakrishnan Additional Public Prosecutor,

O R D E R

The Criminal Original Petition has been filed to direct the Judicial Magistrate No.4, Salem to accept the sureties of the petitioner to comply the order made in C.M.P.No.2256 of 2020 on the file of Principal Session Judge, Salem dated 04.08.2020.

2. Learned counsel for the petitioner would submit that the petitioner is an accused in Crime No.666 of 2020 registered by the respondent for the offence under Sections 294(b), 307 and 506(2) IPC and the petitioner had applied for anticipatory bail in C.M.P.No.2256 of 2020 before the Principal Sessions Judge, Salem and the learned Sessions Judge by an order dated 04.08.2020, was pleased to grant the anticipatory bail petition with following conditions:-

1) that in the event of arrest of the petitioner by the respondent/police or on his surrender before the respondent police within 15 days from the date of this order;

2) that the petitioner is ordered to be released on anticipatory bail on his executing



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a own bond each for a sum of Rs.10,000/- to the satisfaction of the respondent/police and thereafter on his release;

3) that the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the learned Judicial Magistrate No.4, Salem, within 15 days from the date of lifting of the lock-down and the commencement of the court's normal functioning, failing which the bail granted by this court shall stand dismissed automatically;

4) that the petitioner and 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;

5) that the petitioner shall report and sign before the respondent/police daily at 10.30 a.m., until further orders;

6) that the petitioner shall not tamper with evidence or witness either during investigation or trial;

7) that the petitioner shall not tamper with evidence or witness either during investigation or trial;

8) that on breach of any of the aforesaid conditions, the learned 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 itself as laid down by the Hon'ble Supreme Court in P.K.Shaji -vs- State of Kerala ((2005) AIR SCW 5560);

9) If the accused thereafter absconds, a fresh FIR can be registered U/ec 229 A IPC.

3. She would further submit that since the petitioner fell sick and thereafter, due to the Covid pandemic, he was unable to comply with the above conditions imposed by the learned Sessions Judge, within the time frame fixed. Thereby, the petitioner had filed an affidavit before the learned Principal and Sessions Judge, seeking for condonation of delay and extension of time. However, the learned Judge had returned the papers stating that the petitioner has not complied with the order. Thereby, the present petition has been filed.

4. Learned Additional Public Prosecutor would submit that the petitioner after obtaining orders from the Court, did not surrender either before the respondent police or before the Court concerned and he would also submit that the investigation is still pending.



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5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is prepared to surrender and execute sureties and also prepared to abide by any stringent conditions imposed on him and he is also prepared to appear before the Respondent for the purpose of investigation.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

7. It is the case of the petitioner that he has not complied with the orders within the time frame fixed, since he fell sick and since the Courts were closed on account of pandemic. However, the petitioner had volunteered to surrender and had filed an application seeking for condonation of delay and extension of time, the learned Principal Sessions Judge, Salem had dismissed the same.

8. Taking into consideration the facts and the submissions made by the counsel, the time granted to surrender and execute the bond as per the conditions No.1 & 3 of the order dated 04.08.2020 in C.M.P.No.2256 of 2020, passed by the learned Principal Sessions Judge, Salem is further extended by a period of two weeks from the date of receipt of a copy of this order.

9. The learned Judicial Magistrate-4, Salem is directed to accept the sureties of the petitioner. Further, the petitioner is also directed to appear before the respondent police everyday at 10.30 am for a period of four weeks and thereafter, on the first working day of every month at 10.30 am, until further orders.

10. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Inspector of Police,
Veeranam Police Station, Salem District.

2. The Principal Session Judge,
Salem.

3. The Judicial Magistrate-4,
Salem.



4.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.S.Premakumari, Advocate, S.R.No.20996 (31/03/2022)

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