



Crl.M.P.No.14403 of 2022 in Crl.O.P.No.19283 of 2022

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the bail of the accused in
Crl.O.P.No.19283 of 2022.

2. Heard both sides.

3. The first respondent was granted bail in Crl.O.P.No.19283 of
2022 by an order dated 16.08.2022 on the following conditions,

“5. Accordingly, the petitioner shall deposit a sum of Rs.2,00,000/-(Rupees Two Lakh only), to the credit of the Crime No.22 of 2022, and on such deposit, the petitioner 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 blood related sureties, each for a like sum to the satisfaction of the learned 5th Metropolitan Magistrate of Chennai at Egmore and on further conditions 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 without prejudice to his defence shall deposit a sum of Rs.2,00,000/-(Rupees Two Lakh only), to the credit of the Crime No.22 of 2022.



[c] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC."

4. However, the first respondent herein could not able to comply with the said conditions and he failed to execute the sureties before the Court below. The first respondent herein was arrested and remanded to judicial custody on 11.07.2022. The second respondent failed to file a final report and as such the first respondent was released on statutory bail as contemplated under Section 167(2) of Cr.P.C.



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5. The defacto complainant filed this petition for non compliance of the order passed by this Court, to cancel the bail granted to the first respondent on the ground that the first respondent failed to comply with the conditions as imposed by this Court.

6. It is seen that the first respondent did not even come out from the prison, since he could not able to comply with the conditions as imposed by this Court. Therefore, there is no violation of any of the conditions imposed by this Court.

7. Therefore, this Court finds no grounds to cancel the bail granted to the first respondent herein. Accordingly, this Criminal Miscellaneous Petition is dismissed.

20.09.2022
(1/2)

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