



CrI.OP.No.17005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.17005 of 2023

Agilan @ Agil

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
Crime No.300 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.300 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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observed as follows:

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“It is further seen that the final report alleges that the petitioner has committed the offence under Section 7(1)(a) of Criminal Law Amendment Act, 2005. However, there is no penal provisions in the Criminal Law Amendment Act, 2005. Section 7 only relates to an omission of Section 25 of the Code of Criminal Procedure (Amendment Act 2005). Therefore, this Court is of the view that the final report alleging commission of the offence under Section 7(1)(a) of the Criminal Law Amendment Act, 2005 is misconceived.”

Further, this Court finds from the Criminal Law (Amendment) Act, 1932 that, Section 7 deals with omission of Section 25 of the Code of Criminal Procedure (Amendment Act, 2005).

5. Thus, it is clear that, FIR registered under Section 7(i)(a) of Criminal Law Amendment Act, 2005 is not legal. In the said circumstances, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail



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on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnangiri 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 shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 petitioners released on bail by the learned Magistrate/Trial



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

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

03.08.2023

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To

1. Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
3. Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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