

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.21210 of 2017

IN P.R.C.NO.6 OF 2017

[ON THE FILE OF THE JUDICIAL MAGISTRATE, I, VILLUPURAM]

ASHWIN,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]

STATION HOUSE OFFICER,
VALAVANUR POLICE STATION,
VILLUPURAM. CR.NO.1020 OF 2015.

For Petitioner : M/S.T.V.SOMASUNDARAM Advocate

For Respondent : MR. K.MADHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

In this case, investigation has been completed and final report has been filed in PRC No.6/2017 before the Judicial Magistrate No.I, Villupuram against this petitioner and co-accused for the offence punishable under Secs.147, 148, 448, 294(b), 307 IPC and Sec.3 of PPD Act.

2. Earlier this petitioner was released on bail in Cr.No.1020/2015 and he has been produced before the committal Court under P.T. Warrant since he was arrested by the police in S.C.No.115/2017 in Cr.No.406 of 2016 on the file of Villupuram Town Police. This petitioner is in Jail from 07.10.2016 and he was detained under Act 14 of 1982. The detention was quashed on 20.05.2017.

3. The learned Government Advocate (Crl.Side) submits that there are 18 previous cases to the credit of this petitioner and that this petitioner belongs to rival faction of Pattali Makkal Katchi and he had attacked the other faction members in all the cases.

4. The learned counsel for the petitioner submits that this petitioner was already granted bail in the present case (Cr.No.1020/2015) and that he was produced only by way of P.T. Warrant.

5. It is seen that co-accused Vinayagam has not been properly appearing before the Committal Magistrate and therefore the committal

Magistrate is not able to proceed with the committal proceedings.

6. Mr.J. Sankar, Deputy Superintendent of Police, Villupuram, who was present in this case on 04.12.2017 submitted that the police would take steps to ensure that Vinayagam would be produced before the committal Court.

7. In such view of the matter, for the abscondence of Vinayagam, this petitioner cannot be faulted. Hence this court is inclined to grant bail to the petitioner.

8. Accordingly, 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 sureties, of whom, one should be the mother of the petitioner, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Villupuram and on further condition 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) If the accused adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in **State of Uttar Pradesh v. Shambunath Singh** reported in [JT 2001 (4) SC 319].

-sd/-
08/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
VALAVANUR POLICE STATION,
VILLUPURAM.

+1 CC to M/S.T.V.SOMASUNDARAM Advocate on payment of necessary
charges-Sr.22340

CRL OP.21210/2017

Date :08/12/2017

ths : 12.12.2017