

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8253 of 2020

S.Karthick

... Petitioner

/Vs/

State rep by

The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore District.

(Crime No.857 of 2018)

... Respondent

(PRC.No.03/2019 on the file of
the Judicial Magistrate No.2, Coimbatore)

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioner on Bail in connection with the Crime No.857 of 2018, in PRC.No.03 of 2019 on the file of the learned Judicial Magistrate No.2, Coimbatore.

For Petitioner : Mr.S.Aravind Raj

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

* * * * *

ORDER

The petitioner who was arrested on 18.06.2018 in Crime No.857 of 2018, for the offences punishable under Sections 392 and 397 of IPC was again arrested on the strength of the Non-Bailable Warrant issued on 04.01.2020, seeks bail.

2. The contention of the petitioner is that the petitioner was initially arrested in Crime No.857 of 2018 and thereafter he was granted on bail. The petitioner had been regularly appearing before the lower Court and the investigation has been completed in this case and the charge sheet in PRC No.3 of 2019 was filed. The petitioner was arrested in a case by Karur Town Police and he was remanded to judicial custody in Trichy Central Jail, Trichy. The petitioner was produced in this case on 19.02.2020 before the learned Judicial Magistrate No.2, Coimbatore, on the strength of PT Warrant. Thereafter, the petitioner was remanded in this case. The petitioner further submits that the petitioner's non-appearance on 04.01.2020 was due to his confinement at Trichy Central Jail, Trichy in yet another case and the petitioner's non-appearance was only due to his confinement. He further submits

that the petitioner has been in incarceration for the past 97 days and the petitioner would co-operate with the trial and he will not be the reason for any delay.

3. The learned Additional Public Prosecutor submitted that the case is of the year 2018. The petitioner was arrested and thereafter released on bail. During the period of bail, the petitioner had involved himself in offences of similar nature and a case in Karur Town Police Station he was arrested and was kept in confinement in Trichy Central Jail, Trichy. Thereafter, the petitioner was produced in this case by way of PT Warrant. In the mean while, the investigation in this case has been completed and PRC No.3 of 2019 has been assigned and the case is posted to 19.06.2020 for committal. There are totally 3 accused and the petitioner is A3 and other accused are regularly appearing in their case. The petitioner if granted bail by the this Court. The petitioner would again abscond and the committal proceedings in PRC No.3 of 2019 would further get stalled and objected for granting of bail.

4. From the submissions and material, it is seen that the petitioner was initially granted bail in Crime No.857 of 2018 and he has been appearing before the lower Court. Thereafter due to his arrest in a case by Karur Town Police and subsequent confinement in Trichy Central Jail, he was unable to appear before the concerned Court on 04.01.2020 and thereafter Non-Bailable Warrant was issued. The petitioner was produced PT Warrant and thereafter remanded in this case. The committal proceedings is posted on 19.06.2020. In view of the same, the petitioner is granted bail. The petitioner shall be enlarged on bail, after the completion of committal proceedings and thereafter the petitioner to appear regularly before the concerned Sessions Court either personally or through his counsel on all hearing dates and the petitioner would not be a reason for any delay in any manner.

5. Considering the submissions and also taking note of the fact that the petitioner has already been granted bail, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of

the concerned prison, in which the petitioner has been confined on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned

Judicial 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]***;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

17.06.2020

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order
arb

WEB COPY

To

1. The learned Judicial Magistrate No.2,
Coimbatore.
2. The Superintendent,
Trichy Central Jail, Trichy.
3. The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.

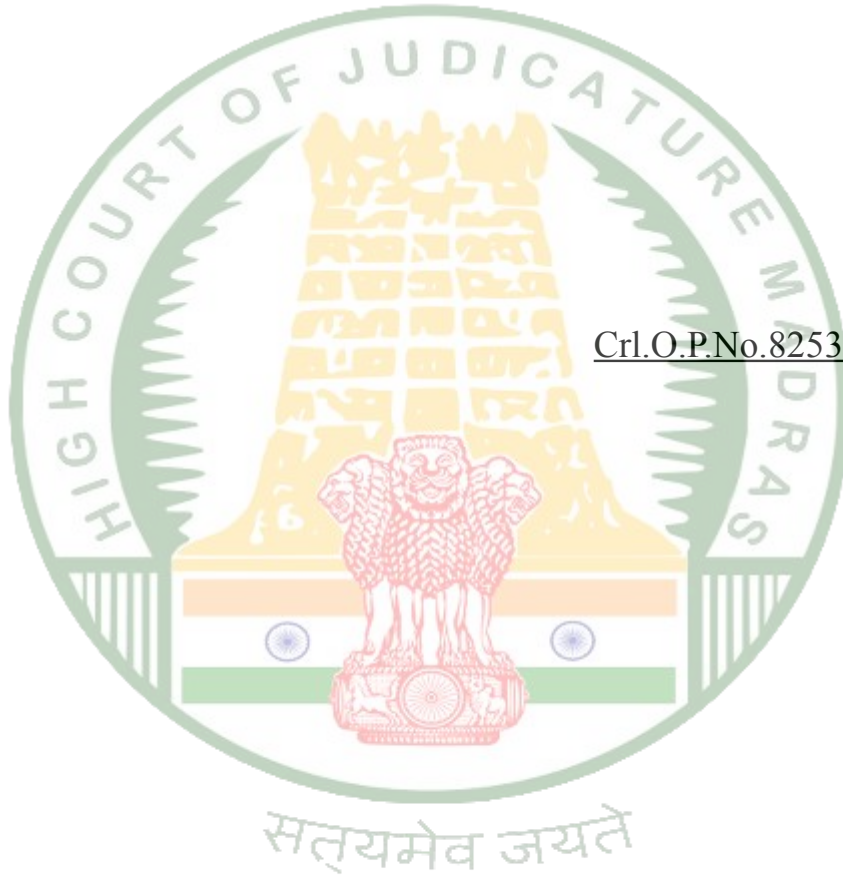


WEB COPY

M.NIRMAL KUMAR,J.

arb

CRL.O.P. No.8253 of 2020



Crl.O.P.No.8253 of 2020

WEB COPY 17.06.2020