

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI.O.P.No.8828 of 2020

Kumaravel

... Petitioner

-vs-

State Rep. by
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District-637 409.
(Crime.No.483/2009)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in pending trial in S.C.No.126 of 2018 on the file of Hon'ble Principal Sessions Judge at Namakkal.

For Petitioner : Mr.D.Meenakshi Sundaram

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 12.05.2020 for the offences punishable under Sections 489 (b), 489(c) and 420 of I.P.C. in S.C.No.126 of 2018 on the file of Principal Sessions Judge at Namakkal, seeks bail.

2.The case of the prosecution is that the petitioner is the accused in S.C.No.126 of 2018 pending trial on the file of the learned Principal Sessions Judge, Namakkal for offences under Sections 489 (b), 489 (c) and 420 of I.P.C. wherein while the trial was on progress, the petitioner was absent on 10.02.2020 before the trial Court. Hence the learned trial Judge issued Non Bailable Warrant against the petitioner and pursuant to that the petitioner was arrested on 12.05.2020.

3.The learned counsel for the Petitioner would submit that the case is of the year 2009 and the case was taken up for trial after nine years in S.C.No.126 of 2018 and the petitioner was regularly

appearing before the trial Court and on 10.02.2020 due to illness, the petitioner could not appear before the trial Court and a Non Bailable Warrant has been issued against the petitioner. Thereafter, due to lockdown the petitioner was unable to surrender and meanwhile he was arrested on 12.05.2020. He would submit that the petitioner is ready and willing to appear before the trial Court on all hearing dates and also ready to co-operate with the respondent for further progress of trial.

4.The learned Additional Public Prosecutor would submit that in S.C.No.126 of 2018, the petitioner and the other accused have been absconding one after the other only for the purpose of delaying the trial. Due to absence of the petitioner, the learned Trial Judge issued Non Bailable warrant on 10.02.2020 and pursuant to which the petitioner was arrested on 12.02.2020.

5.Taking into consideration of the facts and circumstance of this case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing 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 and thereafter on his release;

(b) The Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the **learned Principal Sessions Judge, Namakkal**, within 15 days from the commencement of the Court's functioning, 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 on all hearing dates appear before the trial Court and on all other days shall appear before the respondent/police daily at **10.30 A.M. without fail, until further orders.**

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

(f) the Petitioners 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.

-sd/-
30/06/2020

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT-637 409.

CC to M/S.D.MEENAKSHI SUNDARAM Advocate on payment of necessary charges

CRL OP.8828/2020

Date : 30/06/2020

TA-14/07/2020