

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 9230 of 2020

Perumal,
S/o.Karunanithi,
Kuttedi Vattam, Athanavoor,
Yelagiri Hills, Vellore District

... Petitioner

Vs.

The Station House Officer,
Yelagiri Police Station,
Tirupattur District.
Cr. No.79 of 2013

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.79 of 2013 on the file of the respondent police.

For Petitioner : Mr. Karan and Uday

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody
on 07.11.2019 for the offence under Sections 364, 302 of IPC r/w.
Sections 109 and 120 (B) of IPC in Crime No.79 of 2013, on the file
of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner A1 and
another conspired together to commit the commission of offence of
kidnapping and murdering the deceased. Both of them were already
granted bail in Crime No.79 of 2013. Thereafter, the petitioner
herein jumped out of bail and never turn to the trial Court for
investigation. Hence, NBW was issued on 29.09.2016 by the trial Court
and executed on 07.11.2019. In fact, already the petitioner filed
bail petition in Crl.O.P.No.33749 of 2019 and the same was dismissed
by this Court on 18.12.2019. Again the petitioner filed a second bail
petition in Crl.O.P.No.7601 of 2020 and the same was dismissed on
15.05.2020. The trial could not proceed with the case and complete
the same as directed by this Court due to lockdown for Covid-19.

3. The learned counsel appearing for the petitioner would submit
that the petitioner was originally granted bail in this case and he
was unable to attend the trial Court and as such NBW was issued
against the petitioner and execution of NBW is incarceration

imprisonment from 07.11.2019. Therefore, he sought for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that only after his arrest, now the case has been committed before the Sessions Court and the same has been taken cognizance in SC.No.10 of 2020 on the file of the learned III Additional District and Sessions Judge, Vellore, Thirupattur. If the petitioner left out on bail, again he will abscond and the entire trial process will be spoiled. Therefore, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the petitioner is arrayed as A1 and he involved in the case under Section 302 registered in Cr.No.79 of 2013, after filing charge sheet pending committal, the petitioner absconded and as such the NBW was issued on 29.09.2016. Only after four years the petitioner was arrested and remanded to judicial custody on 07.11.2019. After his arrest pending committal proceedings were over and the same have been taken cognizance in S.C.No.10 of 2020 on the file of the learned III Additional District and Sessions Judge, Vellore, Thirupattur and the same is pending for trial.

6. Considering the rival submission made by either side, 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.

b) thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate on or before 07.2020, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioner shall report before the respondent police thrice a day namely morning at 10.30 a.m., noon at 3.30 p.m., and evening at 7.30 p.m., until further orders.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

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

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

[h] 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 petitioners 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.

-sd/-

02/07/2020

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 JUDICIAL MAGISTRATE,
NO.III, TIRUPATTUR DISTRICT

2 THE III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, VELLORE, THIRUPATTUR

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE REPRESENTED BY
STATION HOUSE OFFICER,
YELAGIRI POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.9230/2020

Date :02/07/2020

RD 18/08/2020