

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10521 of 2020

Saravanan

... Petitioner

Vs.

State by Inspector of Police
Kariamangalam Police Station
Dharmapuri District
(Crime No.939/2008)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending committal in P.R.C.No.14/2010 on the file of the learned Judicial Magistrate, Palakod in Crime No.939 of 2008 pending on the file of the respondent police.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.06.2020 for the offence punishable under Sections 341, 307 & 394 IPC, in Crime No.939 of 2008, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 17.06.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner was originally arrested and thereafter he was granted default bail during November 2008. Thereafter, the petitioner was permanently residing with his family members at No.28, 3rd Street, Gandhi Nagar, Thiruvarumpur Taluk, Trichy District and he has also produced proof for the same. He would further submit that without summons being issued, the Trial Court had issued NBW. He would further submit that the petitioner's family is also residing in the above mentioned address. He would further submit that only since the summons were not issued, the petitioner did not appear before the Trial Court. He would further submit that the family members of the petitioner are prepared to stand as surety to him and the petitioner is also prepared to abide by any stringent conditions that are to be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner was originally arrested during November 2008 for having snatched gold jewels of two sovereigns from the defacto complainant. He would further submit that the case is of the year 2008 and thereafter the final report was filed and taken up in P.R.C.No.14 of 2010 on the file of the learned Judicial Magistrate, Palakod and the summon was issued to the said address. He would further submit that the petitioner was arrested on 17.06.2020. He would further submit that the petitioner had produced proof to show that the petitioner has a permanent address and he has also produced permanent address proof and it is also verified and confirmed by the respondent police that the petitioner is residing permanently at the above address.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and taking into consideration of the submission that the petitioner's wife and his mother will furnish surety for him and also the fact that the petitioner is prepared to abide by any stringent conditions, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with **two sureties for a like sum (his wife and mother)**, before the learned Judicial Magistrate, Palakod.

(b) 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;

(c) the petitioner on his release from prison shall report before the Kariamangalam Police Station daily at 10.30 a.m. until further orders.

(d) the petitioner shall appear regularly before the Court on all the hearing dates till the committal without fail and thereafter before the concerned Trial Court.

(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.

-sd/-
04/09/2020

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,
PALAKOD.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS,
CHENNAI-600 104.

5 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

6 THE OFFICER INCHARGE,
KARIAMANGALAM POLICE STATION.

+1CC to M/S. B.KUMARASAMY Advocate on payment of necessary charges SR NO.6146

CRL OP.10521/2020

Date :04/09/2020