

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10931 of 2020

Krishnan

... Petitioner

Vs.

The State of Tamilnadu, rep. by
The Inspector of Police
Paupparapatti Police Station
Dharmapuri District.
(Crime No.227 of 2013) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending trial in S.C.No.61 of 2017 (Fast Track Mahila Court, Dharmapuri) in Crime No.227 of 2013 pending investigation on the file of the Respondent Police Station.

For Petitioner : Mr.T.Muthukrishnan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody, for the offence punishable under Section 302 IPC and a charge sheet has been laid down in S.C.No.61 of 2017, in Crime No.227 of 2013, seeks bail.

2.It is a case of jumped bail. A Non bailable warrant was issued against the petitioner on 24.09.2018 and the warrant was executed and the petitioner was remanded to judicial custody on 22.10.2018.

3.The learned counsel appearing for the petitioner would submit that the petitioner was regularly appearing before the Trial Court on all the hearing dates. On 24.09.2018, due to illness, the petitioner

was not able to appear before the Trial Court. Hence, the learned Trial Judge issued an NBW to arrest the petitioner. The petitioner was arrested while he was taking treatment at home on 22.10.2018 and the petitioner is in judicial custody from the date of the execution of the warrant i.e. for the past two years. He would further submit that there is no progress in the Trial, only four witnesses have been examined so far. He would further submit that the petitioner had not absconded and the respondent police arrested him from his residence only.

4.The learned Government Advocate (Crl. Side) would submit that on 24.09.2018, the petitioner did not appear before the Trial Court, hence, the Trial Judge had issued a nonailable warrant and the same was executed on 22.10.2018. He would further submit that four witnesses have been examined and the petitioner has also cross examined them and the case was posted for hearing on 21.08.2020.

5.Taking into consideration of the facts and circumstances and also considering the submissions of the learned counsel that the petitioner was arrested from his own house and it is not a case he has absconded for a long time, 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 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) Thereafter, the petitioner shall execute **one surety for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the Fast Track Mahila Court, Dharmapuri, **on or before 21.08.2020**, 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 daily at 10.30 a.m. other than the days the case is posted for trial before the Trial Court. The petitioner shall appear before the Trial Court on 21.08.2020.

(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 petitioners 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.

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

-sd/-

22/07/2020

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 FAST TRACK MAHILA COURT
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
PAUPPARAPATTI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE

+1 CC to M/S.R.SELVAKUMAR Advocate on payment of necessary charges SR. No.5772

CRL OP.10931/2020

Date :22/07/2020

TA-28/07/2020