

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2020

CORAM :

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

Crl.O.P.No.12428 of 2020

Senthilkumar

... Petitioner

Vs.

State represented by
Inspector of Police
Veeraganur Police Station
Salem District
(Crime No.124 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.119 of 2015 on the file of the Additional District Sessions Judge for FTC to Salem.

For Petitioner : Mr.V.Sasi Rekha

For Respondent : Mr.T.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 24.02.2020, for the offences punishable under Section 457, 511, 437, 393 r/w 302 IPC and under Section 3 of TNPPD at 1992, in Crime No.124 of 2013, seeks bail.

2.It is a jumped bail. The petitioner is the accused No.9 in S.C.No.119 of 2015 on the file of the learned III Additional District Sessions Judge, Salem.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not appear before the Trial Court on 17.10.2019 due to his illness.On that day the petitioner filed a petition under Section 317 Cr.P.C. which was dismissed by the Trial Judge and an NBW was issued against the petitioner, subsequently the petitioner surrendered himself on 24.02.2020 and he is in custody for the past 180 days. He would further submit that since the petitioner came to know about the warrant, he voluntarily surrendered before the Court on 24.02.2020. He would further submit that the petitioner is prepared to abide by any stringent conditions to be imposed by this Court and is ready to give sufficient sureties.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is A9, he has been arrested for the offences under Section 302 IPC and pending trial in S.C.No.119 of 2015. He would further submit that during the course of trial, when PW9 was examined, the petitioner absconded thereby the Trial Judge issued Non Bailable Warrant and the petitioner surrendered on 24.02.2020.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that the petitioner has voluntarily surrendered before the Court on 24.02.2020 and the period of incarceration suffered by the petitioner, 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 **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety**, before the learned III Additional District Judge, Salem, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, 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 on his release from prison, shall report before the respondent police everyday at 5.30 p.m. until further orders. The petitioner shall appear before the Trial Court on all hearing dates without fail after normal functioning of the 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 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/-
26/08/2020

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 III ADDITIONAL DISTRICT JUDGE,
SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAGANUR POLICE STATION,
SALEM DISTRICT

+1 CC to M/S. V.SASIREKHA Advocate on payment of necessary charges SR.NO. 6040

CRL OP.12428/2020

Date :26/08/2020

GKS:31/08/2020