

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Crl.O.P.No.13907 of 2020

Arvindasamy

... Petitioner

Vs.

State By

Inspector of Police

E-3, Saravanampatti Police Station

Coimbatore District

Crime No.580 of 2016

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.580 of 2016.

For Petitioner : Mr.W.Camyles Gandhi

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 18.08.2020 for the offence punishable under Sections 147, 148, 341, 307, 302, 149 and 109 IPC, in Crime No.580 of 2016, on the file of the respondent police, seeks bail.

2.It is a case of jumped bail.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not appear before the Trial Court on 14.02.2020 due to illness and hence, the Trial Judge had issued an NBW and he has been arrested on 03.09.2020 within a period of one month. He would further submit that the co-accused in this case who is similarly placed has been granted bail by this Court on 19.05.2020 in Crl.O.P.No.7673 of 2020. He would further submit that the petitioner is prepared to appear before the Trial Court on all hearing dates without fail and he will be duly represented by the counsel before the Trial Court on all the hearing dates without fail.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner was granted bail earlier and thereafter, the case was taken up in P.R.C.No.27 of 2017. He would further submit that there are totally 12 accused in this case. The accused have been repeatedly absconding one after the other and hence the Trial Court was unable to commit the case. He would further submit that as on date yet another accused viz. A12 is absconding and the case as against him has been split up and the case has been posted on 30.09.2020 for further progress. He would further submit that the petitioner was granted bail in the year 2016 and thereafter he was regularly appearing before the Trial Court and charge sheet has also been filed and the case was taken up in P.R.C.No.27 of 2017, on the file of the learned Judicial Magistrate No.II, Coimbatore. Since, the petitioner had failed to appear before the Trial Court on 14.02.2020, NBW has been issued against him on 14.02.2020 and the same was executed on 03.03.2020 and he has been arrested and remanded to judicial custody. He would further submit that similarly placed accused one Anand, against whom NBW was executed, and pursuant to the execution of warrant, he was granted bail by this Court on 19.05.2020 in CrI.O.P.No.7673 of 2020.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner from 03.03.2020, 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;

(b) Thereafter, the petitioner shall within a period of two weeks from the date of commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, for a likesum to the satisfaction of the learned Judicial Magistrate-II, Coimbatore, 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 within a period of one week, shall appear before the learned Judicial Magistrate-II, Coimbatore everyday at 10.30 a.m. till the case is committed to the Court of Sessions, thereafter, he shall regularly appear before the Sessions Court on all the hearing dates.

(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/-

08/09/2020

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,
NO.II, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-3, SARAVANAMAPATTI POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.6155

CRL OP.13907/2020

Date :08/09/2020