

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.Nos.14704 and 14997 of 2020

R.SURESH @ SULLAN

... Petitioner both Crl.O.Ps.

Vs.

The State represented by ... Respondent in both Crl.O.Ps.

The Inspector of Police
Anupar Palayam Police Station
Tiruppur District
(Crime Nos.574 and 462 of 2015)

Common Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime Nos.574 and 462 of 2015 on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu
in both Crl.O.Ps

For Respondents: Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)
in both Crl.O.Ps.

ORDER

(The cases have been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.03.2020 for the offence punishable under **Sections 457 and 380 of IPC** in Crime Nos.574 and 462 of 2015, seeks bail.

2.Crl.O.P.No.14704 of 2020: It is a case of jumped bail. The petitioner was arrested in Crime No.574 of 2015 for offence under Sections 457 and 380 of IPC and subsequently, he was granted bail. Thereafter, the respondent completed investigation and filed final report in C.C.No.665 of 2017 and since, the petitioner did not appear before the trial Court on 27.04.2019, the learned Judicial Magistrate-III, Tiruppur, issued Non Bailable warrant of arrest pursuant to which, the petitioner was produced on P.T.Warrant on 09.03.2020.

3.Crl.O.P.No.14997 of 2020: It is a case of jumped bail. Originally the petitioner was arrested in Crime No.464 of 2015 registered by the respondent police for offence under Sections 457 and 380 of IPC and subsequently, he was granted bail. Thereafter, the respondent completed investigation and filed final report in C.C.No.886 of 2017 on the file of the Judicial Magistrate-III, Tiruppur. Thereafter, since, the petitioner did not appear before the trial Court on 27.04.2019, the learned Judicial Magistrate-III, Tiruppur, issued Non Bailable warrant of arrest. In the meantime, the petitioner had been arrested in Crime No.541 of 2019 registered by Thudiyalur Police following which, the petitioner was produced before the Court on P.T.Warrant on 09.03.2020.

4.The learned counsel appearing for the petitioner would submit that after his release from prison, the petitioner was regularly appearing before the Court. While so, the police foisted several cases against the petitioner and the petitioner was arrested on 19.02.2020 in connection with Crime No.541 of 2019 registered by Thudiyalur Police. Thereafter, while the petitioner was in custody in Crime No.541 of 2019, he was produced before the Court through P.T. Warrant in crime Nos.574 of 2015 and 462 of 2015 on 09.03.2020. He would further submit that in the main case in Crime No.541 of 2019, the petitioner has been granted bail on 08.05.2020. In respect of other cases, trial have been conducted and in two of the cases, the petitioner has been acquitted by the trial Court. He would further submit that the petitioner is prepared to abide by any stringent condition that is imposed on him and also prepared to furnish blood related surety and that he has been suffering incarceration for about nine months. Hence, he prays for grant of bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner had been absconding for two years. He would fairly conceded that the petitioner has been acquitted in two other cases registered by the respondent police. Insofar as the case in Crime No.574 of 2015 is concerned, it has been posted for questioning and insofar as the case in Crime No.462 of 2015 is concerned, it has been posted for examination of the Investigating Officer.

6. Taking into consideration, the facts and circumstances of the case and the submissions of the learned Counsels and considering the period of incarceration suffered by the petitioners, 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), with **two sureties out of which, one surety shall be the blood surety of the petitioner and another surety shall be a local surety**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Tiruppur**, and on further conditions that:

(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 shall appear before the learned Judicial Magistrate-III, Tiruppur, everyday at 10.30 a.m. and shall report before the respondent police everyday at 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during trial;

(f) the petitioner shall not tamper with evidence or witness either during or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-
09/12/2020

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, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANUPARPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S R.SANKARASUBBU Advocate on payment of necessary
charges

CRL OP.14704 & 14997/2020

Date :09/12/2020

TA-14/12/2020



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