

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16583 of 2020

Sasi

... Petitioner

Versus

State by

The Inspector of Police,
T-2, Ambattur Estate Police Station,
Thiruvallur District.
Crime No.1080 of 2016

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1080 of 2016 on the file of the respondent police.

For Petitioner : Mr.P.Parthipan

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 12.09.2019 for the offences publishable under Sections 120(b), 147, 149, 323, 364(A), 387 r/w.109 IPC in Crime No.1080 of 2016 on the file of the respondent police in S.C.No.13 of 2020 on the file of the Additional District and Sessions Judge-III, Poonamallee, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 12.09.2019 through PT Warrant.

3. The learned counsel for the petitioner would submit that the petitioner was earlier arrested and subsequently released on bail and thereafter, he was regularly appearing before the Court in S.C.No.13 of 2020. In the mean while, the petitioner was arrested in some other case and detained under Act 14 on 15.10.2019 for more than one year and thereby, he could not appear before the Court and that the petitioner was formally arrested in this case on 12.09.2019. He would further submit that the petitioner is ready to appear before the concerned Court on all hearing dates. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is arrayed as A8. He would submit that the case is of the year 2016 and the investigation is completed and charge sheet has also been filed and the same has been taken on file in S.C.No.13 of 2020 on the file of the learned Additional District and Sessions Judge-III, Poonamallee and that the matter is posted to 08.11.2020.

5. Heard the learned Counsels and perused the materials placed on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of S.C. No.13 of 2020 and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge-III, Poonamallee and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of S.C.No.13 of 2020 before executing the bond.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at the conclusion of trial.

[d] the petitioner shall not abscond either during trial.

[e] the petitioner shall not tamper with evidence or witness either during trial.

[f] the petitioner shall report before the trial Court in respect of S.C.No.13 of 2020 on all hearing date without fail.

[g] On breach of any of the aforesaid conditions, the learned 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 Trial Court himself as held by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala reported in (2005)AIR SCW 5560.

[h] If the accused thereafter absconds, (I) a fresh FIR can be registered under Section 229A IPC. (II) the amount deposited as per clause (b) shall be forfeited and the same shall be remitted to the Government.

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

-sd/-
22/10/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE-III, POONAMALLEE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE,
T-2 AMBATTUR ESTATE POLICE STATION,
THIRUVALLUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.PARTHIPAN Advocate on payment of necessary charges

CRL OP.16583/2020

Date :22/10/2020

cs 22/10/2020