

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17412 of 2020

M.Tirupathi

... Petitioner

-Vs.-

STATE BY

Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Crime No.376 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.376 of 2016 on the file of the respondent police.

For Petitioner : Mr.V.C.Arun

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 31.08.2020 for the offence punishable under Sections 394 & 397 of IPC in Crime No.376 of 2016 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that due to illness, the petitioner was not able to appear before the learned Judicial Magistrate, Uthangarai in respect of the case in P.R.C.No.9 of 2018 and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail.

3. The learned Additional Public Prosecution would submit that since the petitioner did not appear before the Trial Court, the learned Judge issued Non Bailable Warrant on 27.08.2019. He would further submit that after getting bail, he was absconded and Non-bailable warrant is pending against him. Hence, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel on either side. Perused all the materials placed on record before this Court.

5. Taking into consideration the facts and submissions made by the learned counsel and also considering 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 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 Court of Judicial Magistrate, Uthangarai, 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, on his release from prison, shall report before the respondent police everyday at 10.30 a.m till the committal proceedings is completed, except on the date when the petitioner is required to appear before the Committal Court,.

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

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

(f) the petitioner shall not tamper with evidence or witness either during investigation 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.

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

-sd/-
03/12/2020

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.V.C.ARUN Advocate on payment of necessary charges

CRL OP.17412/2020

Date :03/12/2020

MK:04/12/2020

WEB COPY