

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 17544 of 2020

Kiran @ Kirankumar

... Petitioner

Vs.

The State represented by,

The Inspector of Police,

Denkanikottai Police Station,

Krishnagiri District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in S.C.No.26 of 2020, on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 15.06.2020 for the offences punishable under Sections 395 r/w 394, 109 of IPC, in S.C.No.26 of 2020 on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. It is the 4th bail application and the earlier petitions was dismissed by this Court on 28.09.2020 vide Crl.O.P.No.15223 of 2020 on account of long abscondance and that the case was not committed to the Court of Sessions. The case has been now committed to the Court of Sessions and taken up in S.C.No.26 of 2020 and stands posted to 23.11.2020 for the appearance of the accused.

3. The learned counsel for the petitioner submitted that the petitioner would regularly appear before the Court and he is also prepared to furnish original title deeds of one immovable

property, worth Rs.5 Lakhs. He would further submit that the petitioner's close relatives viz. his father in law viz. Ramachandrappa and his cousin brother viz. Shankar S/o.Venkatasamy are prepared to stand as sureties to him.

4. The learned Government Advocate (Crl. Side) would submit that it is a case of jumped bail. He would further submit that the petitioner has been absconding for a long time and thereby the committal Court was not able to commit the same to the Court of Sessions, however, he would submit that the case is now committed to the Court of Sessions and taken up in S.C.No.26 of 2020 on the file of the Assistant Sessions Court, Hosur. The case now stands posted to 23.11.2020 for the appearance of the accused.

5. Taking into consideration the facts and submissions and also the undertaking given by the petitioner that he is prepared to deposit original title deeds of the property worth Rs.5 Lakhs to the credit of Crime No.50 of 2008, 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 (one should be his father in law viz. Ramachandrappa and another one should be his cousin brother viz. Shankar) each for a like sum to the satisfaction of the **learned Judicial Magistrate, Denkanikottai** 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 appear before the Assistant Sessions Court, Hosur, everyday at 10.30 a.m., on all working days for a period of one month and thereafter on the dates fixed by the concerned Court.

(d) the petitioner shall deposit original title deeds of the immovable property document worth Rs.5 Lakhs to the credit of Crime No.50 of 2008 at the time of furnishing sureties.

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

(f) the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

20/11/2020

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, DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRSHNAGIRI DIST. [FOR INFORMATION]

3 THE SUPERINTENDENT, CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRSHNAGIRI DIST.

6 THE ASSISTANT SESSIONS COURT, HOSUR

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.7690

CRL OP.17544/2020

Date : 20/11/2020

GKS:23/11/2020