

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

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

CRL.O.P.No.19729 of 2020

Ranjithkumar @ Ranjith Kumar

... Petitioner

Vs.

State represented by

The Inspector of Police,
Bhavanisagar Police Station,
Erode District.

(Crime Nos.14 of 2007 &
59 of 2007 of 2007)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime Nos.14 of 2007 & 59 of 2007 on the file of the respondent police.

For Petitioner : Mr.S.Parthasarathy

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 14.10.2020 for the offence punishable under Sections 120(B), 147, 148, 149, 352, 427, 450, 395, 397, 364, 342, 203, 386, 143 and 169 of IPC, in Crime Nos.14 of 2007 & 59 of 2007 of 2020, seeks bail.

2. It is the case of jumped bail. The petitioner is A5, facing Trial in SC.No.60 of 2017 for the offences under Sections 120(B), 147, 148, 149, 352, 427, 450, 395, 397, 364, 342, 203, 386, 143 and 169 of IPC. Since the petitioner did not appear before the Court on 16.03.2020, the learned Trial Judge had issued Non-Bailable Warrant of arrest, pursuant to which, the petitioner had surrendered before the Court on 14.10.2020 and filed a petition to recall the NBW. The learned Trial Judge,

without recalling the warrant, had remanded the accused to judicial custody.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been regularly appearing before the Court and that on 16.03.2020, he was unable to appear before the Court due to his illness. He would submit that subsequently, the Courts were closed on account of Covid and that there was total lock down in the country and thereby, the petitioner was unable to surrender before the Court. He would submit that the petitioner had voluntarily surrendered before the Court on 14.10.2020 and he had filed a petition to recall NBW, whereas the trial Judge had dismissed the petition and remanded him to judicial custody and he is in custody for more than 60 days and that the petitioner was not the reason for delaying the trial and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that since the petitioner did not appear before the Court on 16.03.2020, the learned Trial Judge issued Non bailable warrant of arrest, however, the petitioner surrendered before the Court on 14.10.2020 and filed petition to recall NBW whereas he was remanded to judicial custody. He would submit that already there is a direction from the High Court to complete the trial within the specified period. He would submit that there are four previous cases against the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that out of four previous case, a case in Crime No.817 of 2009 for the offences under Sections 294B and 506 of IPC ended in acquittal and the case in Crime No.235 of 2016 registered by the Sathyamangalam police station has been referred as mistake of fact. He would submit that the petitioner is prepared to furnish securities and also prepared to abide by any stringent condition imposed by this Court.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels 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 [out of which, one surety should be a blood surety] each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Gobichettipalayam, 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 report appear before the learned III Additional District and Sessions Judge, Gobichettipalayam, Erode everyday at 10.30 a.m. for a period of one month and thereafter, on the dates fixed by the learned Trial Juge, without fail;

(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.

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

-sd/-
16/12/2020

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 III ADDITIONAL DISTRICT SESSIONS JUDGE,
GOBICHETTIPALAYAM.

2 THE JAILER,
DISTRICT JAIL, GOBICHETTIPALAYAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

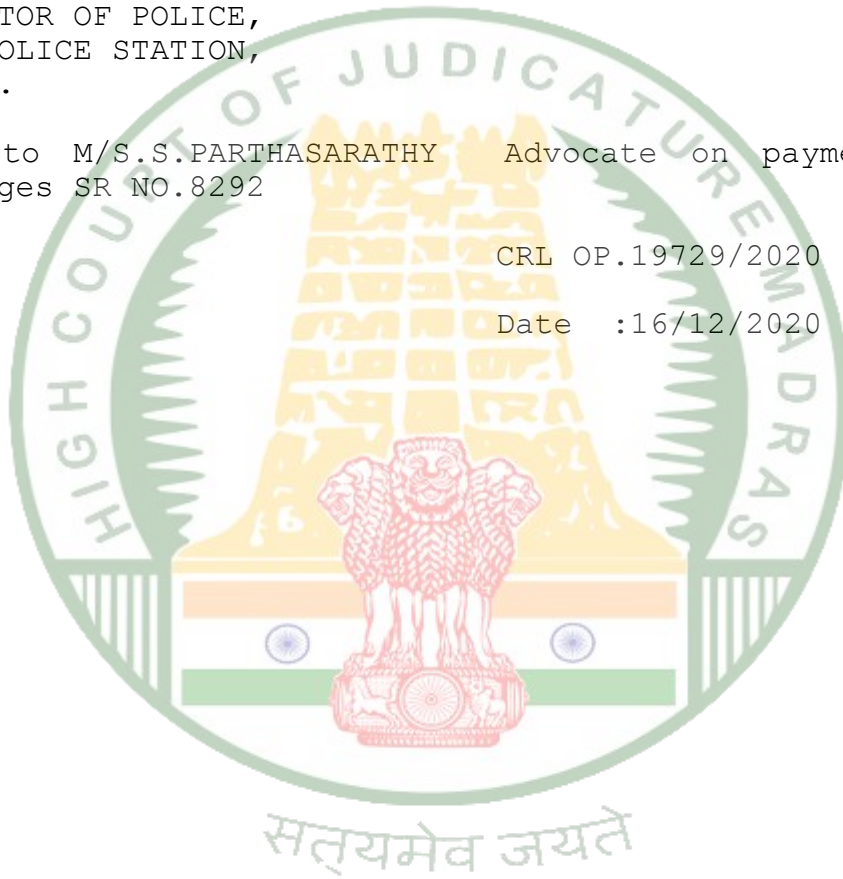
4 THE INSPECTOR OF POLICE,
BHAVANISAGAR POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.S.PARTHASARATHY Advocate on payment of
necessary charges SR NO.8292

CRL OP.19729/2020

Date :16/12/2020

MK:17/12/2020



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