

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 20508 of 2020

Karthick

.. Petitioner/Accused - 2

Vs.

State, represented by
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai District.
(Crime No.2255 of 2015)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in C.C.No.6011 of 2017 on the file of Metropolitan Magistrate- V, Egmore, Chennai in Crime No.2255 of 2015, K-2, Ayanavaram Police Station, Chennai.

For Petitioner : Mr.S.Angamuthu

For Respondent : Mr.K.Madhan
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 10.11.2020 for the offence punishable under Sections 341, 294(b), 324 and 506(ii) of I.P.C in Crime No.2255 of 2015 on the file of the respondent police, seeks bail.

2.It is the case of jumped bail. Due to the non-appearance of the petitioner before the trial Court, the trial Court had issued non bailable warrant of arrest against the petitioner on 23.07.2018 and the petitioner was arrested on 10.11.2020 on execution of non bailable warrant.

3.The learned counsel appearing for the petitioner would submit that the petitioner was unable appear before the trial Court due to illness and thereby, the trial Court had issued NBW on 23.07.2018. He would submit that the petitioner was not aware of NBW issued against him and he was under the impression that the case is kept pending due to covid restrictions. He would further submit that the petitioner has been suffering

incarceration for more than 50 days from 10.11.2020. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has jumped the bail at the time of serving of summons. He would submit that the witnesses are yet to be examined. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned Counsels and perused the F.I.R.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners in the judicial custody, this Court is inclined to grant bail to the petitioners 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate-V, Egmore 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 Metropolitan Magistrate-V, Egmore, Chennai, every day at 10.30 a.m., until further orders and on all hearing dates 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 stands ordered.

-sd/-
30/12/2020

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 METROPOLITAN MAGISTRATE NO.V,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
K-2, AYANAVARAM POLICE STATION,
CHENNAI DISTRICT.

+1CC to M/S.S.ANGAMUTHU Advocate on payment of necessary charges SR NO.8739

CRL OP.20508/2020

Date :30/12/2020

MK:30/12/2020

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