

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1327 of 2021

Ram Kumar

... Petitioner

Vs.

State Rep by
The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai
(Crime No.780 of 2019)
U/s 229 A of IPC

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.780 of 2019 pending on the file of the Respondent.

For Petitioner : Mr.A.Dinakari

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.11.2020 for the alleged offence under Section 229A of I.P.C in Crime No.780 of 2019, seeks bail.

2. The case of the prosecution is that the petitioner was granted bail in Crl.O.P.No.10510 of 2016 in Crime No.699 of 2016 and he was enlarged on bail on 18.05.2016. Since, the petitioner did not appear before the Trial Court and violated the conditional order passed by this Court a Non bailable warrant has been issued against the petitioner and pursuant to the warrant, the petitioner was remanded to Judicial custody on 21.11.2020. For violating the Bail conditions the present complaint has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for more than 70 days. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier the petitioner was granted bail since, he did not appear before the Trial Court and violated the conditional order passed by this Court, a Non bailable warrant has been issued against the petitioner. Hence, she vehemently opposed grant of bail to the petitioner.

5. Considering the facts of the case 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 Judicial Magistrate - II, Alandur 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 every day at 10.30.a.m until further orders;

(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/-
04/02/2021

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-II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-8, NEELANKARAI POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
SUB JAIL, MADURANTHAGAM.

CC to M/S. A.DINAKARI Advocate on payment of necessary charges

CRL OP.1327/2021

Date: 04/02/2021

TA-05/02/2021

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