

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2348 of 2021

Sam Sunder Singh

... Petitioner

Vs.

State by

The Inspector of Police,
K-4 Anna Nagar Police Station,
Chennai.

(P.R.C. No.254 of 2010 in
Crime No.1060 of 2009)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in P.R.C.No.254 of 2010 pending on the file of V Metropolitan Magistrate, Egmore, Chennai in Crime No.1060 of 2009 pending investigation on the file of the Respondent.

For Petitioner : Mr.G.Kartheeban

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

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 29.01.2021 seeks bail in connection with P.R.C. No.254 of 2010, pending on the file of V Metropolitan Magistrate, Egmore, Chennai in Crime No.1060 of 2009 for the offence punishable under Sections 147, 148, 341, 394, 324, 307, 506(ii) of I.P.C. pending on the file of respondent.

2. Earlier, the petitioner was granted bail and subsequently he is absconding and he has failed to appear before the trial court. Hence, a non-bailable warrant was issued on 04.05.2018 and on the execution of the same, he was arrested on 29.01.2021. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that due to some illness, the petitioner could not appear before the Trial Court. Hence, a non-bailable warrant has been issued and now, he was arrested and he is in jail for more than 20 days. He would submit that he would abide by any condition imposed by this court. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that except the petitioner, all other accused are appearing before the Committal Court. She would submit that since the petitioner is not appearing, the matter could not be completed. Hence, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that now the matter is at the committal stage and also considering the period of incarceration suffered by the petitioner for nearly 20 days, this Court is inclined to grant bail to the petitioner subject to the following stringent 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 learned V Metropolitan Magistrate, Egmore, Chennai 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 committal court viz., V Metropolitan Magistrate, Egmore, Chennai on all working days 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.

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

-sd/-

16/02/2021

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

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

3 THE OFFICER INCHARGE
SUB-JAIL, CHENGALPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
K-4 ANNA NAGAR POLICE STATION,
CHENNAI.

+1 CC to M/S.G.KARTHEEBAN Advocate on payment of necessary charges
SR.NO.1657

CRL OP.2348/2021

Date :16/02/2021

cs 17/02/2021