

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2518 of 2021

Kumar

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
K6 T.P.Chathiram Police Station,
Chennai.

(C.C. No.4322 of 2010 in
Crime No.357 of 2010)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in C.C.No.4322 of 2010 on the file of V Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.C.Jagan

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

ORDER

(The case has been heard through video conference)

The petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 29.11.2020 seeks bail in connection with C.C. No.4322 of 2010, pending on the file of V Metropolitan Magistrate, Egmore, Chennai in Crime No.357 of 2010 for the offence punishable under Sections 341, 324, 506(ii) of I.P.C. pending on the file of respondent.

2. Earlier, the petitioner was granted bail and subsequently he is absconding. Hence, a non-bailable warrant was issued on 28.04.2015 and on the execution of the same, he was arrested on 29.11.2020. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that the case is of the year 2010, the petitioner was regularly appearing before the trial court, but he has failed to appear for one hearing i.e. On 28.04.2015. Hence, the petitioner

was arrested and he is in jail for nearly three months. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that the petitioner is having another case in S.C.No. 27 of 2021. 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 facts and circumstances of the case, and also considering the period of incarceration suffered by the petitioner for nearly three months, 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 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 trial 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/-
19/02/2021

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 V METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-6 T.P.CHATHIRAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II.

+1 CC to M/S.C.JAGAN Advocate on payment of necessary charges
SR NO. 1973

CRL OP.2518/2021

Date :19/02/2021

MN-22/02/2021