

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3323 of 2021

Singani @ Senthilkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
(Crime No. 134 of 2016)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.134 of 2016 pending investigation on the file of the Respondent.

For Petitioner : Mr. M. Vijaya Ragavan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 27.10.2020 for the offence punishable under Section 302 of IPC in Crime No.134 of 2016, seeks bail.

2. It is a case of jumped bail. Totally there are four accused and the petitioner is A1 in PRC No.8 of 2017, which is pending for committal, on the file of the Judicial Magistrate, Thiruthuraipoondi. Earlier, the petitioner was granted bail and subsequently, he did not appear before the Committal Court and hence, on 18.06.2018, the learned Magistrate had issued Non Bailable Warrant against the petitioner. Subsequently, it was recalled on 03.11.2018, again the petitioner was absconded, hence, another warrant was issued on the same day. Pursuant to which, the petitioner was arrested and remanded to judicial custody on 27.10.2020. Now, seeking bail, the present bail application has been filed.

3. The learned counsel for the petitioner would submit that the petitioner was unable to appear before the Committal Court due to illness. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that it is the second warrant and the case is pending for Committal from the year 2017. Since the petitioner did not appear before the Committal Court, the committal Judge issued NBW against the petitioner on 18.06.2018 and it was recalled on 03.11.2018 and once again, on the very same day he absconded. Hence NBW was issued on 03.11.2018 and he was arrested on 27.10.2020 with much difficulty. If the petitioner is released on bail, he may once again abscond.

5. Considering the facts and circumstances 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 learned Judicial Magistrate, Thiruthuraipoondi 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 before committal court daily at 10.30 a.m., 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.

6. 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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
DISTRICT JAIL, NAGAPATTINAM

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.3323/2021

Date :19/02/2021

ksm 22/02/2021