

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3289 of 2021

P.Bharathi

... Petitioner

Vs.

State Rep. by

.... Respondent

The Inspector of Police,
J6, Thiruvannamiyur Police Station,
Thiruvannamiyur, Chennai 600 041.
(Crime No.879 of 2018)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crl.MP.No.739 of 2021 in SC.No.540 of 2018 on the file of the XV Additional Sessions Judge, Chennai in Crime No.879 of 2018 on the file of the respondent police.

For Petitioner : Mr. Y.Deva Arul Prakash

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for the offence punishable under Sections 147, 148, 341, 307, 302 r/w. 149 of IPC in Crime No.879 of 2018, seeks bail.

2. It is a case of jumped bail. Totally there are five accused. The petitioner, who is the second accused, is facing trial in SC.No.540 of 2018 on the file of the learned XV Additional Sessions Judge, Chennai. Earlier, the petitioner was granted bail. Subsequently, he failed to appear before the trial Court on 13.11.2019, and hence, the learned trial Judge had issued Non Bailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 10.01.2021. Hence, he prays to grant bail.

3. The learned counsel for the petitioner would submit that the petitioner was regularly appearing before the Court without any

default. However, on 13.11.2019, due to illness, he was unable to appear before the trial Court and he was arrested on 10.01.2021 and he is in jail for more than 60 days Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the case is pending for trial from the year 2018. The petitioner deliberately failed to appear before the committal Court on 13.11.2019, the trial Judge issued NBW against the petitioner. 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 XV Additional Sessions Judge, Singara Vellar Malligai, 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 release from the prison, shall report before the trial Court, on all working days 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/-
17/03/2021

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 XV ADDITIONAL SESSIONS JUDGE,
SINGARA VELLAR MALLIGAI,
CHENNAI - 600 001.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-6, THIRUVANMIYUR POLICE STATION,
THIRUVANMIYUR,
CHENNAI-600 041.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.Y.DEVA ARUL PRAKASH, Advocate on payment of
necessary charges SR.NO.3542

CRL OP.3289/2021

Date :17/03/2021

TA-18/03/2021

WEB COPY