

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.3985 of 2021

Vinith @ Vinithkumar

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.
Crime No.463 of 2017.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to release the petitioner on bail in Crime No.463 of 2017 on the file of the respondent police.

For Petitioner : Mr. Y. Deva Arul Prakash

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.11.2019 for the offence punishable under Sections 392 r/w. 397 of IPC in Crime No.463 of 2017, seeks bail.

2. It is a case of jumped bail. Totally there are 3 accused and the petitioner is arrayed as A2. The petitioner is facing trial in S.C.No.105 of 2018 on the file of the Chief Judicial Magistrate, Tiruppur. Earlier, the petitioner was granted bail and subsequently, he did not appear before the trial Court and hence, on 15.02.2019, the learned Judge had issued Non Bailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 20.11.2019. Now, he prays to grant bail.

3. The learned counsel for the petitioner would submit that the petitioner was unable to appear before the trial Court due to illness. 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. Since the petitioner did not appear before the trial Court, the trial Judge issued NBW against the petitioner on 15.02.2019. She would further submit that the petitioner is the habitual offender and he is having 4 previous cases. 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 Chief Judicial Magistrate, Tiruppur, 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 appear before the trial 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.

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-sd/-

05/03/2021

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 CHIEF JUDICIAL MAGISTRATE
TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.Y.DEVA ARUL PRAKASH Advocate on payment of necessary
charges Sr.2815

CRL OP.3985/2021

Date :05/03/2021

RVR 08/03/2021



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