

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3941 of 2021

Sasi @ Govindasamy

... Petitioner

Vs.

State by

The Deputy Superintendent of Police,
EOW - II, Erode,
Erode South P.S.
(Crime No.1014 of 2012)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with C.C. No. 29 of 2013, pending before the learned Special Judge of Special Court under TNPID Act, in Crime No.1014 of 2012 on the file of respondent police, Coimbatore Court at Coimbatore.

For Petitioner : Mr.B.M.Subash

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 08.02.2021 seeks bail in connection with C.C.No.29 of 2013 pending before the learned Special Judge of Special Court under TNPID Act in Crime No.1014 of 2012 for the offence punishable under Sections 120(b), 406, 420 of I.P.C. and under Sec. 5 of TNPID Act, pending on the file of respondent.

2. Earlier, the petitioner was granted bail on 19.02.2021 and subsequently he was absconding and failed to appear before the trial court. Hence, a non-bailable warrant was issued on 10.03.2020 and on the execution of the same, he was arrested on 08.02.2021. Now, he has filed this petition seeking for bail.

3. The learned counsel appearing for the petitioner submitted that the occurrence taken place in the year 2012 and the matter is pending from the year 2013. He would submit that the petitioner is regularly appearing before the trial court without any default, only one occasion, the petitioner could not appear. Hence, a non-bailable warrant was issued and he is in jail for nearly 15 days. He would submit that now the trial is almost completed and he undertakes that he will regularly appear before the court. 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 the petitioner is absconding from the year 2020. Hence, a non-bailable warrant was issued on 10.03.2020 and only because of his non-appearance, the trial could not be completed. She would also submit that now most of the witnesses have been examined. 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 and also considering the period of incarceration suffered by the petitioner for nearly 18 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 Special Judge of Special Court under TNPID Act, Coimbatore 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., Special Court under TNPID Act, Coimbatore on all working days without fail 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/-

26/02/2021

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 SPECIAL JUDGE
OF SPECIAL COURT UNDER TNPID ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
EOW-II, ERODE,
ERODE SOUTH PS.

+1 CC to M/S.B.MOHAN Advocate on payment of necessary charges
SR.No.2455

CRL OP.3941/2021

Date :26/02/2021

cs 01/03/2021