

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4382 of 2021

Murali

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
Bungalow Pudur Police Station,
Gobichettipalayam,
Erode Dt.
(Crime No.2 of 2013)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2 of 2013 pending on the file of respondent police.

For Petitioner : Mr.J.Ranjith Kumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.02.2021 seeks bail in connection with Crime No.2 of 2013 for the offence punishable under Sections 147, 148, 361, 387, 395 r/w 397 of I.P.C. pending on the file of respondent.

2. Earlier, the petitioner was granted bail and subsequently he is absconding and subsequently, he has failed to appear before the trial court. Hence, a non-bailable warrant was issued on 16.03.2020 and on the execution of the same, he was arrested on 11.02.2021. 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 2013 and he has regularly appearing before the trial court, but due to some illness, only one hearing, he could not appear before the Trial Court. Hence, a non-bailable warrant has been issued and now, he was arrested and he is in jail for more than 21 days. 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 totally, there are 10 accused and now there is a direction to the trial court to complete the trial within a period of three months. She would submit that now the accused one after other are absconding. She would submit that since the petitioner is not appearing, the matter could not be completed. 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 fact that now the trial is commenced and also considering the period of incarceration suffered by the petitioner for nearly 21 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 III Additional District Judge, Gobichettipalayam, Erode 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., III Addl. District Judge, Gobichettipalayam, Erode 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/-
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 III ADDITIONAL DISTRICT JUDGE,
GOBICHETTIPALAYAM, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BUNGALOW PUDUR POLICE STATION,
GOBICHETTIPALAYAM, ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.J.RANJITH KUMAR Advocate on payment of necessary charges

WEB COPY

CRL OP.4382/2021

Date :05/03/2021

MN-08/03/2021