

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4929 of 2021

Salman @ Salmankhan

... Petitioner

Vs.

State represented by  
The Inspector of Police,  
E-5, Sholavaram Police Station,  
Thiruvallur District.  
(Crime No.82 of 2016) .... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC.No.21 of 2016 on the file of the Judicial Magistrate No.II, Ponneri, Tiruvallur District on such terms and conditions.

For Petitioner : M/s.M.Sathyasai Eswari

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 28.12.2020 for the offence punishable under Sections 147, 148, 341 and 302 r/w. 149 of IPC in Crime No.82 of 2016, seeks bail.

2. It is a case of jumped bail. Totally there are six accused. The petitioner is the sixth accused in PRC No.21 of 2016, which is pending for committal, on the file of the learned Judicial Magistrate No.II, Ponneri, Thiruvallur District. Earlier, the petitioner was granted bail. Subsequently, he failed to appear before the Committal Court on 17.10.2018 and hence, the learned Committal Judge had issued Non Bailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 28.12.2020. 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 17.10.2018, due to illness, he was unable to appear before the committal Court and he was arrested on 28.12.2020 and he is in jail for more than 80 days. He is ready to abide any condition imposed by this Court and also undertakes to appear before the Committal Court without any default. He would further submit that similarly placed accused in this case has already been released on bail by the Sessions Court. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that all the accused are notorious rowdy elements and the petitioner is having 5 previous cases and the case is pending for Committal from the year 2016. Earlier NBW was issued and subsequently, it was recalled. Thereafter, since the petitioner deliberately failed to appear before the committal Court on 17.10.2021, the committal 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 Judicial Magistrate II, Ponneri, Thiruvallur District, 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 committal Court on all working days at 10.30 a.m., till the Committal is over, if the petitioner fails to appear before the Committal Court on any single day, the bail granted to the petitioner is liable to be cancelled;**

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-  
25/03/2021

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 JUDICIAL MAGISTRATE,  
NO.II, PONNERI, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-5, SHOLAVARAM POLICE STATION,  
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON-II, PUZHAL, CHENNAI.

+1 CC to M/S.M.SATHYASAI ESWARI Advocate on payment of  
necessary charges SR.No.4073

CRL OP.4929/2021

Date :25/03/2021

TA-26/03/2021