

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5747 of 2021

Settu @ Kalimuthu

... Petitioner

Vs.

The Inspector of Police, (Law & Order)
N-4 Police Station,
Fort, Tondiarpet,
Chennai 600 081

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC.No.65/2016 pending committal on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.L. Gavaskar

For Respondent : Mrs.M.Prabhavathi
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 03.02.2021 for the offence punishable under Sections 341 and 307 of IPC, in PRC No.65 of 2016 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner is A5 in PRC No.65 of 2016 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai. The occurrence had taken place in the year 2016. NBW was issued against the petitioner on 30.11.2017, pursuant to which, the petitioner was arrested on 03.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is innocent. The petitioner was regularly appearing before the Court . Since he has shifted his residence to some other place, he has not aware about the Non Bailable Warrant issued against him. Now, the petitioner undertake to abide any condition imposed by this Court.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose the bail petition stating that the case is pending from the year 2016. Out of 5 accused, one of the accused died. Since the petitioner was absconding for the past 5 years, the matter is pending for committal. After much difficulty, the respondent police has arrested the petitioner. At this stage, if the petitioner is let out on bail, he is likely to abscond.

5. Considering the facts and circumstances of the case, and considering the undertaking given by the petitioner 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 XVI Metropolitan Magistrate, George Town, 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 his release from the prison, shall report before the committal 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/-
30/03/2021

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, (LAW AND ORDER)
N-4 POLICE STATION, FORT,
TONDIARPET, CHENNAI - 600 081.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

CC to M/S.L.GAVASKAR Advocate on payment of necessary charges
SR.NO. 4220

सत्यमेव जयते

CRL OP.5747/2021

Date :30/03/2021

rvr 31/03/2021

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