

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5220 of 2021

Sankar @ Mattu Sankar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Thiruvallur.
(Crime No.778 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.778 of 2017 on the file of the respondent police.

For Petitioner : Mr. B.M.Santharam

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 23.12.2020 for the offence punishable under Sections 147, 148, 341 and 302 of IPC in Crime No.778 of 2017, seeks bail.

2. It is a case of jumped bail. Totally there are three accused. The petitioner is the third accused in PRC No.34 of 2017, which is pending for committal, on the file of the learned Judicial Magistrate, Ambathur. Earlier, the petitioner was granted bail. Subsequently, he failed to appear before the Committal Court on 02.12.2020, and hence, the learned Committal Judge had issued Nonailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 23.12.2020. 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 02.12.2020, due to illness, he was unable to appear before the committal Court and he was arrested on 23.12.2020 and he is in jail for more than 20 days Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the case is pending for Committal from the year 2017. The petitioner deliberately failed to appear before the committal Court on 02.12.2020, 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, Ambathur 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., 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/-
16/03/2021

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,
AMBATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-10, THIRUMULLAIVOYAL POLICE STATION,
THIRUVALLUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

CC to M/S. B.M.SANTHARAM Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.5220/2021

Date :16/03/2021

EP-17/03/2021

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