

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5572 of 2021

Kalirajan @ Kakkan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Namakkal.
(Crime No.18/2012)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.18 of 2012 on the file of the respondent Police.

For Petitioner : Mr.P.Govindarajan

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

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 06.01.2021 for the offence punishable under Sections 420 of I.P.C. @ 120(b) and 420 of I.P.C., in Crime No.18 of 2012, seeks bail.

2. The case of the prosecution is that it is a case of job racketing. The petitioner said to have collected more than Rs.15 lakhs and cheated the defacto complainant. Hence, the criminal case was registered in the year 2012. Thereafter, the final report has been filed in the year 2020. Some of the accused are absconding and the case was split up and taken cognizance in the year 2020. Subsequently, due to his non-appearance, the non-bailable warrant was also issued against him in the year 2018. Thereafter, the petitioner was implicated in some other crime and he was arrested on PT warrant on 06.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that now the occurrence taken place in the year 2012 and for the very same

occurrence, another crime was registered. Hence, he was arrested in another crime and he was not able to appear before the trial court, hence, the warrant was issued. He would submit that he is an innocent person and he is in jail for more than three months and he will abide by any condition imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that out of three accused, two accused are still absconding. Hence, the case has been split up against the petitioner and he is also absconding and the matter is pending for a long time. Hence, she strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, and also considering the period of incarceration suffered by the petitioner from 06.01.2021, 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, Kumarapalayam, 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, after his release from prison, shall report before the trial court viz., Judicial Magistrate, Kumarapalayam daily at 10.30 a.m. 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.

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

-sd/-
19/03/2021

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,
KUMARAPALAYAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAMAKKAL.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

CC to M/S.P.GOVINDARAJAN Advocate on payment of necessary charges

WEB COPY

CRL OP.5572/2021

Date :19/03/2021

MN-22/03/2021