

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5979 of 2021

Sathish Chandran

... Petitioner

Vs.

State by

The Inspector of Police,
Yercaud Police Station,
Yercaud, Salem District.
(Crime No.61 of 2014).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with S.C. No.305 of 2017, for the Crime No.61 of 2014 on the file of the respondent police.

For Petitioner : Mr.V.Ramana Reddy

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 14.02.2021 for the offence punishable under Sections 294(b), 506 (ii_) and 307 of IPC in Crime No.61 of 2014, seeks bail.

2. The petitioner, who is the sole accused, is facing trial in SC.No.305 of 2017 on the file of the learned Sessions Judge, Mahila Court, Salem. Since the the petitioner failed to appear before the trial Court on 13.03.2019, the learned trial Judge had issued Non Bailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 14.02.2021. 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 13.03.2019, due to his to illness, he was unable to appear before the trial Court and he was arrested on 14.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the case is pending for trial from the year 2017. The petitioner deliberately failed to appear before the trial Court on 13.03.2019, the trial Judge issued NBW against the petitioner. If the petitioner is released on bail, he may once again abscond.

5. Considering the above said facts and circumstances of the case, and 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 Sessions Judge, Mahila Court, Salem, 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 appear before the trial 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.

8. The trial Court is directed to proceed with the trial and dispose the same within a period of 3 months from the date of receipt of a copy of this order.

9. 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 SESSIONS JUDGE,
MAHILA COURT, SALEM.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
YERCAUD POLICE STATION,
YERAUD, SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. V.RAMANA REDDY Advocate on payment of necessary charges SR NO. 4001

CRL OP.5979/2021

Date :25/03/2021

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MN-26/03/2021