

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6464 of 2021

Mohan @ Mohanraj

... Petitioner

-versus-

The State Rep. by
The Inspector of Police,
K-6, TP Chatram Police Station,
Chennai.

[Crime No.361 of 2010]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC No.299 of 2010 pending on the file of the learned V Metropolitan Magistrate, Egmore relating to Crime No.361 of 2010 on the file of the respondent.

For Petitioner : Mr.N.Ramesh

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.01.2021 in execution of Non Bailable Warrant issued by the learned Metropolitan Magistrate due to his non appearance on 19.12.2019 in PRC No.299 of 2010 pending on the file of the learned V Metropolitan Magistrate, Egmore relating to Crime No.361 of 2010 on the file of the respondent registered for offence punishable u/s.147, 148, 324, 326, 307 r/w 149 of IPC.

2. The petitioner was enlarged on bail. Due to his non appearance on 19.12.2019, a non bailable warrant was issued and he has been apprehended on 22.01.2021 and remanded to judicial custody and he has been in custody for the last more than 60 days.

3. The learned counsel for the petitioner submitted that the petitioner had been regularly appearing on all hearing dates and on the date of hearing on 19.12.2019, he could not appear before the court due to family circumstances. The petitioner has been in judicial custody for more than 60 days and he undertakes to appear regularly on all hearing dates.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the case is of the year 2010 and the main reason for the delay is due to the non appearance of the accused one after another .

5. Admittedly the case is pending for committal. Any how, considering the submission made by the learned counsel for the petitioner and the other facts and circumstances of the case and also having regard to the period of incarceration of the petitioner, this court is inclined to release him on bail 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 V Metropolitan Magistrate, Egmore, 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 on bail, shall report before the learned V Metropolitan Magistrate, Egmore, Chennai on all working days for two weeks and thereafter, on all hearing dates without fail.

(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.

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

-sd/-
01/04/2021

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 METROPOLITAN MAGISTRATE NO.V,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
K-6 TP CHATRAM POLICE STATION,
CHENNAI.

+1CC to M/S.N.RAMESH Advocate on payment of necessary charges SR NO.4399

CRL OP.6464/2021

Date :01/04/2021

MK:07/04/2021

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