

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6737 of 2021

Dhenna @ Dhinagaraj ... Petitioner

Vs.

The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
in Crime No.18 of 2016. ... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in S.C.No.293 of 2020 on the file of the Principal Sessions Judge, Villupuram in Cr.No.18 of 2016 on the file of respondent police.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

ORDER

The petitioner who was arrested on 25.02.2021 for the offence under Sections 120 (B), 148, 307 of I.P.C. r/w.109, 149 I.P.C. and 3(a), 4(a), 5 r/w.6 of Explosive Substance Act in Cr.No.18 of 2016 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Sections 120 (B), 148, 307 of I.P.C. r/w.109, 149 I.P.C. and 3(a), 4(a), 5 r/w.6 of Explosive Substance Act. Subsequently, the petitioner was enlarged on default bail. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner for his non appearance and he was secured on 25.02.2021.

3.The learned counsel appearing for the petitioner would submit already the petitioner was enlarged on default bail by the concerned lower Court, however, his non appearance before the lower Court is neither willful nor wanton, due to his serious illness he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner.

4.The learned Additional Public Prosecutor submits that there are 17 previous cases as against the petitioner. She further submitted that investigation in this case has been completed and trial is pending, however, the petitioner is not co-operating for trial.

5.In reply, the learned counsel appearing for the petitioner submitted that though there are 17 cases pending against the petitioner, they are petty cases and further submits that the petitioner undertakes that he will not commit any offence in future and that if he commits any offence in future, the bail if granted by this Court may be cancelled.

6.Considering the fact that due to illness the petitioner was not able to appear before the lower Court and the petitioner's undertaking that he will not commit any offence in future, I am inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Villupuram and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy

of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the learned Judicial Magistrate No.I, Villupuram, daily at 10.30 a.m. and before the respondent police, daily at 5.30 p.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned 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]***;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC; and;

(g)if the petitioner commits any offence in future, the bail granted today (08.04.2021) shall stand cancelled automatically, without any further reference to this Court.

08.04.2021

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

1.The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
in Crime No.18 of 2016.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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M.DHANDAPANI,J.
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