

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7030 of 2021

Kanagu @ Kanagaraj

... Petitioner

Vs.

State Represented by
Inspector of Police,
Bungalowpudur Police Station,
Erode District.
(Crime No.2 of 2013)

.... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner herein on bail in Crime No.2 of 2013 on the file of the Inspector of Police, Bungalowpudur Police Station, Erode District.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 11.02.2021 and remanded to judicial custody for the offences under Sections 147, 148, 361, 387, 395 r/w 397 IPC in Cr.No.2 of 2013 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 under Section 147, 148, 361, 387, 395 r/w 397 IPC in Cr.No.2 of 2013 . 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 11.02.2021.

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 some unavoidable circumstances he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner.

4.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, in order to eke his livelihood, he was employed in other State, due to which 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 is no previous case as against the petitioner.

5.Considering the nature of the case, I am inclined to grant bail to the petitioner.

6.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 **III Additional District and Sessions Judge, at Gobichettipalayam** 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 **III Additional District and Sessions Judge, at Gobichettipalayam**, daily at 10.30 a.m. till the final disposal of the case;

(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]**; and;

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

-sd/-
15/04/2021

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 III ADDITIONAL DISTRICT AND SESSIONS
JUDGE, GOBICHETTIPALAYAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BUNGALOWPUDUR POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.7030/2021

Date :15/04/2021

TA-16/04/2021

WEB COPY