

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 7823 of 2021

Yuvaraj

... Petitioner/Accused

-VS-

State Rep. by
The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.
(Crime No. 16 of 2013)

... Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail pending in S.C. No. 177 of 2021 on the file of the XXI Additional Sessions, Court, Chennai.

For Petitioner : Mr. C.Jagan

For Respondent : Mr. L.Charles Prem Kumar,
Government Advocate (Criminal Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 16.07.2020 for the offence punishable under Sections 147, 148, 302, 341 and

506(ii) read with Section 149 of the Indian Penal Code, 1860, in Crime No. 16 of 2013 on the file of the Respondent Police, seeks bail.

2. It is a case of jumped bail. The Petitioner was arrested on 16.07.2020 on execution of Non Bailable Warrant issued against him on 25.09.2017.

3. The Learned Counsel for the Petitioner would submit that this is the third application for bail. He would further submit that the first application filed in Crl. O.P. No. 18075 of 2020 was dismissed by this Court by order dated 10.12.2020 and thereafter, the second application filed in Crl. O.P. No. 3315 of 2021 was dismissed by this Court by order dated 22.02.2021. He would further submit that the reason for dismissal of the earlier applications was that the case was not committed to the Court of Sessions. He would further submit that now the case has been committed to the Court of Sessions and it has been taken up in S.C. No. 177 of 2021 before the Learned XXI Additional Sessions Court, Chennai. He would further submit that the case has been posted to 16.06.2021 for framing of charges. He would further submit that the Petitioner has got three other cases and in those cases, he has been granted bail and he has not been convicted in any of the case. He would further submit that the Petitioner has to engage Counsel to conduct trial and thereby, he would seek for bail.

4. The Learned Government Advocate (Criminal Side) would vehemently oppose stating that the Petitioner is a habitual offender against whom there are three other cases. He would further submit that the Petitioner did not appear before the Committal Court, viz., X Metropolitan Magistrate Court, Egmore, Chennai in P.R.C. No. 27 of 2020. Therefore, the Committal Court issued Non Bailable Warrant against him on 25.09.2017 pursuant to which, the Petitioner was arrested on 16.07.2020. He would further submit that now the case is committed to the Court of Sessions and it has been posted for framing of charges.

5. Taking into consideration of the facts and submissions made by the Learned Counsels and the fact that the Petitioner is in custody from 16.07.2020 and that now the case has been posted for framing of charges, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties out of which, one surety shall be blood relative of the Petitioner**, each for a like sum to the satisfaction of the Learned XXI Additional Sessions Court, 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 Aadhaar Card or Bank Pass Book to ensure their identity;

(c) the Petitioner on his release from prison shall appear before the Learned XXI Additional Sessions Court, Chennai on all working days at 10.30 a.m. and also report before the respondent police every Saturday and Sunday 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 during trial;

(f) the Petitioner shall not tamper with evidence or witness during 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 229-A of the Indian Penal Code, 1860.

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

27.04.2021

vjt

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
P3, Vyasarpadi Police Station,
Chennai.
2. The XXI Additional Sessions Court,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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