

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7826 of 2021

Sankar

... Petitioner

Vs.

State represented by
The Inspector of Police,
Avadi Police Station,
Crime No.502 of 2002
Chennai Police.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending trial in S.C.No.20 of 2021 on the file of the Subordinate Judge.

For Petitioner : Mr.S.Ganesh Kumar

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner who was remanded to judicial custody on 06.12.2020 on execution of NBW for the offence under Sections 341, 326, 385 and 307 of IPC in S.C.No.20 of 2021 on the file of the learned Subordinate Judge, Poonamallee, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Sections 341, 326, 385 and 307 of IPC. 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 06.12.2020.

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 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 is one previous case pending as against the petitioner.

5.Considering the period of incarceration undergone by the petitioner, 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 Subordinate Judge, Poonamallee 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 Subordinate Judge, Poonamallee, daily at 10.30 a.m. till the disposal of the case in S.C.No.20 of 2021;

(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/-

26/04/2021

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 SUBORDINATE JUDGE,
POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AVADI POLICE STATION, CHENNAI

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to M/S.S.Ganesh Kumar Advocate on payment of necessary
charges SR.5287

CRL OP.7826/2021

Date :26/04/2021

RVR 26/04/2021



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