

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.8271 of 2021

Sugumar

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
H-1 Washermanpet Police Station,
Chennai.

Crime No.140 of 2010.

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in S.C.No.286 of 2013 on the file of the Hon'ble XIX Additional Sessions Judge, Chennai.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The petitioner who was arrested on 18.11.2020 for the offence under Sections 452, 341, 302, 120(b) r/w 149 of IPC in Cr.No.140 of 2010 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 452, 341, 302, 120(b) r/w 149 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 18.11.2020.

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 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 is 1 previous case pending 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.Considering the fact that due to illness the petitioner was not able to appear before the lower Court and 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 XIX Additional Sessions Judge, Chennai 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 XIX Additional Sessions Judge, Chennai, daily at 10.30 a.m. till the completion of the trial in S.C.No.286 of 2013;

(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/-

30/04/2021

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 XIX ADDITIONAL SESSIONS JUDGE,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-1 WASHHERMANPET POLICE STATION,
CHENNAI.

+2 CC to M/S.M.K.BHOOPATHY RAJAN Advocate on payment of
necessary charges Sr.5609

CRL OP.8271/2021

सत्यमेव जयते Date :30/04/2021

RVR 03/05/2021

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