



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8805 of 2021

Palanisamy

... Petitioner

Vs.

State represented by the
Inspector of Police,
Perumanallur Police Station,
Tiruppur.
(Crime No.269 of 2014)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in S.C.218 of 2015 on the file of the II Additional District and Sessions Judge, Tiruppur.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is one of the accused in S.C.No.218 of 2015, on the file of the II Additional District and Sessions Judge, Triuppur. The petitioner is facing charges under Sections 394 of IPC @ 147, 148, 449, 395, 302 r/w 149 of IPC and he was issued with the Non Bailable Warrant on 21.03.2017 and the same was executed only on 12.11.2018. Since 12.11.2018, the petitioner is in prison.

3. Though the petitioner is not entitled to any indulgence, on account of long abscondence but taking note of the period of incarceration, I am inclined to show some indulgence.

4. The learned counsel appearing for the petitioner gives an undertaking that the petitioner will appear before the Trial Court for all the future hearings, either in person or through his counsel.



5. If, on account of the conduct of the petitioner, the trial is disrupted or delayed, the benefit of the order will be stand recalled automatically.

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6. Recording the undertaking given by the learned counsel for the petitioner, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tiruppur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Court may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall not commit any offences of similar nature; (d) the petitioner shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned 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 Trial Court itself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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

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

-sd/-

06/05/2021

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.



1 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.8805/2021

Date :06/05/2021

RVR 18/06/2021