

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.9320 of 2021

Sethu

... Petitioner

Vs.

State by

The Inspector of Police,
Sankar Nagar Police Station,
Chennai.

(Crime No.4388 of 2012)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending trial in S.C.No.05 of 2021 on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu.

For Petitioner : Mr.Y.Deva Arul Prakash

For Respondent : Mr.A.Gopinath

Government Advocate (Crl side)

ORDER

The petitioner who was arrested on 11.11.2020 and remanded to judicial custody for the offences under Section 302 of IPC in Crime No.4388 of 2012 in S.C.No.05 of 2021 on the file of the Principal Sessions Judge of Kancheepuram District at Chengalpattu, seeks bail.

2. The learned counsel for the petitioner submitted that for a long period summons were not issued to the petitioner. He would further submit that due to non-appearance of the petitioner before the trial Court, NBW was issued and the same was executed on 11.11.2020. He further submitted that the petitioner is ready to co-operate with the trial and to abide by any condition that may be imposed by this Court.

3. The learned Government Advocate (Crl.Side) would submit that the non bailable warrant has been issued against the petitioner on 11.11.2020. He would further submit that the trial in the Sessions Court posted on 03.06.2021.

4. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Puzhal, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate No.II, Tambaram. The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Votor ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate No.II, Tambaram.

(c) After the lockdown restrictions are raised, normal time is restored, the petitioner shall abide by the following conditions imposed by this Court. He/she shall not interfere, influence or cause hindrance to the pending investigation.

(d) the petitioner shall appear before the trial Court and co-operate with the trial from 03.06.2021 or as per the guidelines issued by High Court to the trial Courts.

(e) the petitioner shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

-sd/-
26/05/2021

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.Y.DEVAARULPRAKASH Advocate on payment of necessary charges

CRL OP.9320/2021

Date :26/05/2021

MK:21/06/2021