

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9460 of 2021

Vinoth

... Petitioner

Vs.

State by
The Inspector of Police,
G3 Kilpauk Police Station,
Chennai - 600 010
Crime No.696 of 2020.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to grant bail to the Petitioner/Accused pending trial on the file of the learned IV th Additional Session Judge Chennai in S.C.No.419 of 2014 in G3 Crime No.776 of 2013.

For Petitioner : Mr.N.Selvarajan

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.12.2020 under PT Warrant Cr.No.776 of 2013 as the petitioner was already remanded in the absconding Cr.No.696 of 2020 of the same police station for the offence punishable under sections 341, 294(b), 324, 336, 427, 397, 307 and 506(ii) of IPC in S.C.No.419 of 2014, seeks bail.

2. The learned counsel for the petitioner submitted that due to non-appearance of the petitioner before the trial Court, NBW was issued and the same was executed on 08.12.2020. He further submitted that the petitioner is ready to co-operate with the trial and to abide by any condition 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 08.04.2020.

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, Chennai, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Vth Metropolitan Magistrate Court, Egmore, Chennai

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d)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;

(e)the petitioner is directed to appear before the trial on all hearing dates without fail.

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

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

(h)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;

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

-sd/-
20/05/2021

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 IVTH ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE COURT,
NO.V, EGMORE, CHENNAI-600 008.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI-600 066.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
G3 KILPAUK POLICE STATION,
CHENNAI 600 010.

CC to M/S.N.SELVARAJAN Advocate on payment of necessary charges

CRL OP.9460/2021

Date :20/05/2021

cs 26/05/2021