

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9800 of 2021

Arokyasamy

... Petitioner

Vs.

State by Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.555 of 2009)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending committal in P.R.C.No.27 of 2009 on the file of learned Judicial Magistrate No.II, Ponneri in Crime No.555 of 2009 on the file of Inspector of Police, Sholavaram Police Station, Thiruvallur District.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.E.Raj Thilak
Counsel appearing for
Government of Tamil Nadu
(Crl side)

O R D E R

The petitioner who was arrested on 17.04.2021 and remanded to judicial custody for the offences under Sections 147, 148, 341, 302, 506(ii) of IPC in P.R.C.No.27 of 2009 on the file of learned Judicial Magistrate No.II, Ponneri in Crime No.555 of 2009 seeks bail.

2. The learned counsel for the petitioner would submit that on 24.11.2020 due to ill health, the petitioner was absent on 24/11/2020, before the learned Judicial Magistrate No.II, Ponneri. Non-bailable warrant was issued against him on 24/11/2020. He further submitted that the petitioner is ready to co-operate with the trial and will abide to 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 24.11.2020 and the same was executed on 17.04.2021.

4. Considering the period of incarceration suffered by the petitioner and the present pandemic situations, 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 Sub-Jail, Ponneri 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, Ponneri. 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 Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate No.II, Ponneri .

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

(d) the petitioner shall appear before the learned Judicial Magistrate No-II, Ponneri, on all hearing dates without fail.

(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/-

03/06/2021

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, PONNERI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
TIRUVALLUR DISTRICT.

CC to M/S T.R.RAVI Advocate on payment of necessary charges

CRL OP.9800/2021

Date :03/06/2021

MK:04/06/2021