

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10874 of 2021

Selvaraj

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Mohanur Police Station,
Mohanur, Namakkal District.
Crime No.555 of 2013.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.555 of 2013 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 15.02.2021 and remanded to judicial custody for the offences under Section 363 IPC, Section 302, 404, 201 r/w 34 IPC in Cr.No.555 of 2013, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that in the year 2013, the petitioner was arrested for murdering his wife along with A2 and the respondent Police filed charge sheet in S.C.No.84 of 2018 before the Sessions (FTC Mahila) Court, Namakkal, in turn the petitioner appeared before the Trial Court without any default, however on 15.02.2021, he did not enter appearance either in person or through his counsel. Hence the Trial Court has issued Non Bailable Warrant and he was arrested and remanded to judicial custody.

3. The learned counsel for the petitioner submitted that the petitioner will appear hereinafter in all future hearing dates before the Trial Court without fail. Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that the Non Bailable Warrant was issued and it was executed on 26.03.2021. Now, the petitioner was in judicial custody.

5. 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 Jailer, Sub Jail, Namakkal, 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 learned Sessions (FTC Mahila) Court, Namakkal;.

(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 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(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/-

25/06/2021

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 SESSIONS (FTC MAHILA) COURT,
NAMAKKAL.

2 THE OFFICER INCHARGE
SUB JAIL, NAMAKKAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
MOHANUR, NAMAKKAL DISTRICT.

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges

WEB COPY

CRL OP.10874/2021

Date :25/06/2021

cs 28/06/2021