

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11496 of 2021

Jani @ Rajini

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Thirnavalur Police Station,
Villupuram District.
Cr.No.233/2004

... 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.233 of 2004 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Rajendiran

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

ORDER

The petitioner, who was arrested on 01.02.2021 and remanded to judicial custody for the offences under Section 302, 201 and 34 of IPC in Cr.No.233 of 2004, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the case was registered in the year 2004 and investigation completed and final report filed and the case has been taken on file in SC.No.296 of 2015 and further, the petitioner has not appeared before the trial Court and hence, the case was split up as against the petitioner and it was re-numbered as SC.no.182 of 2019. Further, the petitioner has not appeared before the trial Court. Hence, the trial Court has issued non-bailable warrant against the petitioner on 25.10.2016 and thereafter, he was arrested and remanded to judicial custody on 01.02.2021.

3. The learned counsel for the petitioner submitted that the petitioner is poor, coolie man and he is the only bread winner of his family. He was working in Bangaluru and due to pandemic, he could not attend the Court proceedings regularly and he is in judicial custody from

01.02.2021. Hence he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner was not regularly appeared before the trial Court and he further submitted that the case is pending for more than 17 years. If the petitioner is released on bail, he may abscond and the case would affect. Hence, he vehemently opposed to grant bail to the petitioner.

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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Cuddalore, 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 separate bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Ulundurpet;.

(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/-
06/07/2021

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-II,
ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
THIRUNAVAILUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.M.RAJENDIRAN Advocate on payment of necessary charges
SR.NO. 7117

WEB COPY

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Date :06/07/2021

MN-07/07/2021