

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.16374 of 2020

Govindasamy

... Petitioner

Vs.

The State Rep. by
Inspector of Police
Amballur Police Station
Vellore District
(Crime No.182 of 1997)
(C.C. No. 124 of 2003)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.182 of 1997 pending investigation on the file of the Respondent.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mrs.M.Prabavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner was arrayed as 2nd accused and totally, there are three accused in the present case. The petitioner was arrested and remanded to judicial custody on 11.08.2020 for the offence punishable under Sections 457, 392, 394 and 75 of I.P.C. in Crime No.182 of 1997, seeks bail.

2. According to the petitioner, earlier, the petitioner was arrested and released on bail and regularly appearing before the trial court in C.C. No.124 of 2003. Due to ill-health, he was not able to appear on 03.07.2019 and hence, a non-bailable warrant was issued on the same day and the respondent police arrested the petitioner on 11.08.2020. The petitioner was in jail for four months. Hence, he seeks bail.

3.The learned Additional Public Prosecutor would oppose the bail petition on the ground that, the petitioner was not appearing regularly before the trial court for the hearing.

4.Taking into consideration of the facts and circumstances, the petitioner was regularly appearing and he was absent in one hearing and also considering the period of incarceration suffered by the petitioner for four months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniambadi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall appear before the learned Judicial Magistrate, Vaniambadi regularly in all the hearings;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-

04/01/2021

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,
VANIYAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4. THE SUPERINTENDENT OF CENTRAL PRISON,
VELLORE.

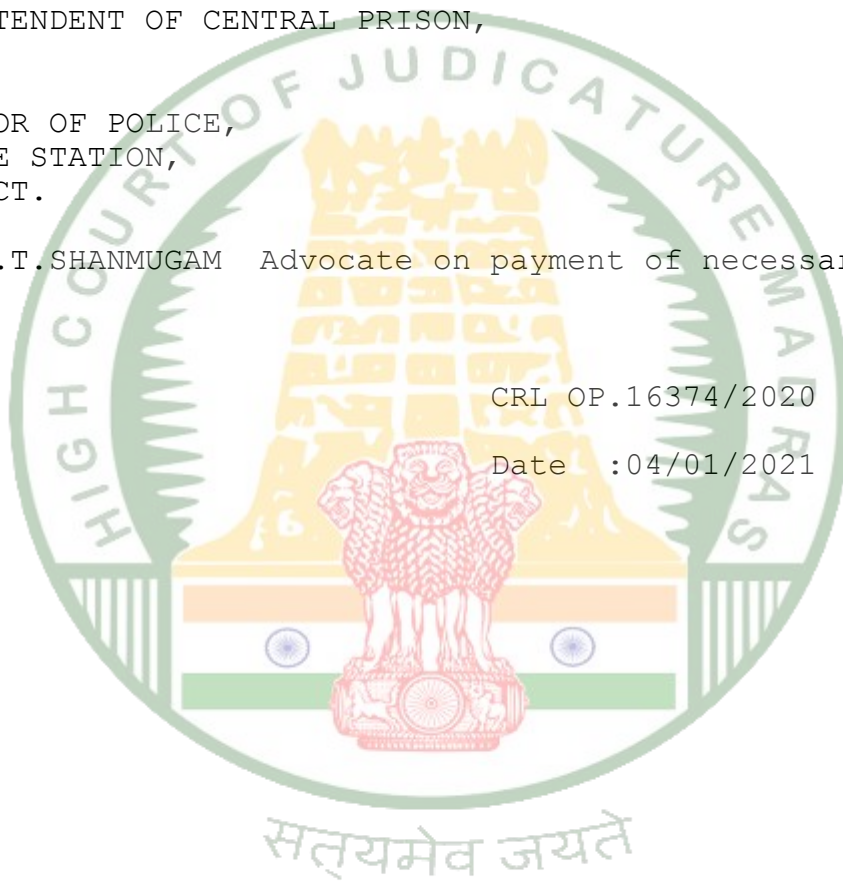
5. THE INSPECTOR OF POLICE,
AMBALLUR POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.16374/2020

Date :04/01/2021

RVR 05/01/2021



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