



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14928 of 2021

Jeeva @ Siva Kumar

... Petitioner

Vs.

The Inspector of Police,
C-5, Vengal Police Station,
Thiruvallur.
(Crime No.203 of 2004)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in S.C.No.38 of 2021 on the file of the First Additional District and Sessions Judge, Tiruvallur in Crime No.203 of 2004 on the file of the respondent police.

For Petitioner : Mr.R.Mukesh Kannah

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

ORDER

The petitioner who was arrested on 25.02.2021 and remanded to judicial custody for the offences under Sections 394, 395, r/w 397 and 302 r/w 149 of IPC, in S.C.No.38 of 2021 on the file of the First Additional District and Sessions Judge, Tiruvallur in Crime No.203 of 2004 on the file of the respondent police. seeks bail.

2. It is the case of the prosecution that the petitioner was implicated for the offence under under Sections 394, 395, r/w 397 and 302 r/w 149 of IPC, in Crime No.203 of 2004. Subsequently, the petitioner was enlarged on bail. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner for his non appearance and he was secured on 25.02.2021.



3.The learned counsel appearing for the petitioner submits that already the petitioner was enlarged on bail by the concerned lower Court, however, his non appearance before the lower Court is neither willful nor wanton, due to some unavoidable circumstances he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that there is one previous case pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the nature of the case as also the fair submission made by the learned counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 I Additional District and Sessions Judge, Tiruvallur, and on further condition that:

(a)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;

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

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

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

(e)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;



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

WEB COPY

-sd/-
23/08/2021

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
C-5 VENGAL POLICE STATION, THIRUVALLUR

3 THE SUPERINTENDENT,
CENTRAL PRISON - II, PUZHAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.MUKESH KANNAH Advocate on payment of necessary charges

CRL OP.14928/2021

Date :23/08/2021

APN 24/08/2021