

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.17182 of 2020

Subburaj

... Petitioner

Vs.

State by

Inspector of Police,
North Police Station,
Tirupur.

(Crime No.1542 of 2016) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1542 of 2016 pending on the file of the Respondent.

For Petitioner : Mr.M.K.Poongundran

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.11.2020 for the alleged offence punishable under Section 307 of IPC in Crime No.1542 of 2016, seeks bail.

2. It is a case of jumped bail. The occurrence had taken place in the year 2016 and earlier, bail was granted to the petitioner, subsequently, the petitioner was absconding and hence, Non bailable warrant has been issued on 10.05.2018 and the petitioner was arrested on 15.06.2020.

3. The learned counsel appearing for the petitioner would submit that on 10.05.2018, due to illness, the petitioner was not able to appear before the learned Judicial Magistrate-I, Tiruppur and hence, non bailable warrant has been issued against the petitioner. He would further submit that the said absence is neither wilful nor wanton and he undertakes that the petitioner shall appear before the Court below regularly on all future hearing dates without fail. He would further submit that the petitioner is in custody for more than 6 months and he is ready to abide by any

stringent conditions. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that it is the case of the year 2016. She would submit that since the petitioner did not appear before the Court on 10.05.2018, the learned Trial Judge was pleased to issue Non Bailable Warrant of arrest against him, pursuant to which, the petitioner was arrested on 15.06.2020 with great difficulty. She would further submit that the respondents, after great difficulty, were able to secure the petitioner after two years and at this stage, if the petitioner is let out on bail, there are every chances of him getting absconded again and thereby, derailing the progress of trial.

5. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, 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-I, Tiruppur, 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-I, Tiruppur on all hearing dates, failing which, the bail granted by this Court shall stand dismissed automatically;

(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.

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

-sd/-
08/01/2021

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 COURT NO.I,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
TIRUPUR.

+1CC to M/S. M.K.POONGUNDRAN Advocate on payment of necessary charges SR NO.241

CRL OP.17182/2020

Date :08/01/2021

MK:11/01/2021