



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2021

CORAM :

WEB COPY THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.18203 of 2021

Ponraj

.. Petitioner/Accused

/versus/

The State by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(Crime No.288 of 2011)

..Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.288 of 2011 pending on the file of the respondent police.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.V.J.Priyadarshana
Government Advocate (Crl. Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 15.03.2021 for the offence punishable under Sections 380 and 457 of I.P.C. in Crime No.288 of 2011 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner committed offence under Sections 380 and 457 of IPC and a case was registered in the year 2011 and the crime was registered in Crime No.288 of 2011. Subsequently, the petitioner was arrested and released on bail. The respondent police completed the investigation and filed a final report in the year 2011 itself. The trial court has taken cognizance of offence in CC.No.938 of 2017 on the file of the Judicial Magistrate, Sulur, Coimbatore District. Thereafter, the petitioner never appeared before the trial court and the trial court issued NBW against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is incarcerating imprisonment for



nearly five months. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner is a habitual offender. He is having so many previous cases. The trial court issued NBW for non-appearance of the petitioner. While pending NBW, he committed three other crimes and he was charge sheeted. Totally four trials are pending before the trial court. He further submitted that the trial has now been posted on 11.10.2021 for examination of L.Ws.1 to 5. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the charge sheet laid in the present case has been taken cognizance in C.C.No.938 of 2017 and the same is pending for trial. Due to the absence of the petitioner, the trial was stalled. Now, the petitioner was arrested and remanded to judicial custody on 15.03.2021. Thereafter, due to Covid-19 Pandemic situation, the trial could not be completed within a reasonable time. The learned Government Advocate (Criminal Side) submitted that the trial has now been posted on 11.10.2021 for examination of L.Ws.1 to 5.

6. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 15.03.2021, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Suler, Coimbatore and on further conditions 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 appear before the Judicial Magistrate, Suler, Coimbatore, daily at 10.30 a.m., 2.30 p.m., and 5.30 p.m., until futher 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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7. The Trial Court is directed to complete the trial in CC.No.938 of 2017 within a period of six months.

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

-sd/-

04/10/2021

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,
SULUR, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
SULUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.18203/2021

Date :04/10/2021

INBA-05/10/2021