



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18089 of 2021

R. Karthik ,

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Arcot Town Police Station,
(Crime No.825 of 2018)

...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 P.R.C.No.6 of 2020 in Crime No.825 of 2018 pending investigation on the file of the Munsif Cum Judicial Magistrate at Arcot, Ranipet District.

For Petitioner : Mr.M .Sathish Kumar

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

ORDER

The petitioner who was arrested on 06.01.2021 and remanded to judicial custody for the offences under Sections 294(b) and 302 of IPC in P.R.C.No.6 of 2020 Munsif Cum Judicial Magistrate at Arcot, Ranipet District in Crime No.825 of 2018 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 294(b) and 302 of IPC 2012 in Crime No..825 of 2018.. 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 06.01.2021.



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 his some personal inconvenience, he was not able to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner. He further submits that the petitioner is ready to co-operate with the proceedings and he is ready appear before the trial on each and every hearing.

4.The learned Government Advocate (Crl.Side) submitted that now the trial is almost completed. 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 District Munsif-cum-Judicial Magistrate Arcot, Ranipet District 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 trial Court 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.

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-sd/-
29/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT, RANIPET DISTRICT.

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

3 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.10764

CRL OP.18089/2021

Date :29/09/2021

INBA 29/09/2021