



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20542 of 2020

Srinivasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
E-3 Saravanampatti Police Station,
Coimbatore.
Crime No.1050 of 2018.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in PRC.No.42 of 2019 pending on the file of the Judicial Magistrate Court No.II, Coimbatore.

For Petitioner : Mr. B. Aravinthan

For Respondent : Mr.M. Prabhavathy,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.11.2020 for the offence punishable under Sections 363 @ 302 and 201 of IPC in Crime No.1050 of 2018, seeks bail.

2. It is a case of jumped bail. Totally there are two accused. The petitioner is the second accused in PRC No.42 of 2019, which is pending for committal, on the file of the Judicial Magistrate-II, Coimbatore. Since he did not appear before the Committal Court on 20.08.2019, the learned Committal Judge had issued Non Bailable Warrant against the petitioner, pursuant to which, the petitioner was arrested and remanded to judicial custody on 20.11.2020. Hence, he prays to grant bail.

3. The learned counsel for the petitioner would submit that on 20.08.2019, the petitioner was unable to appear before the committal Court due to illness. Therefore, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor vehemently opposed stating that the case is pending for Committal from the year 2019. Since the petitioner did not appear before the committal Court on 20.08.2019, the committal Judge issued NBW against the petitioner. It is a case of murder . Now the matter is listed for furnishing copies . If the petitioner is released on bail, he may once again abscond.

5. Considering 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-II, Coimbatore, 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 shall appear before the Judicial Magistrate II, Coimbatore on all working days at 10.30 a.m., for a period of four weeks;

(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.

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25/01/2021

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,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-3, SARAVANAMPATTI POLICE STATION,
COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.20542/2020

Date :25/01/2021

TA-27/01/2021