

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20767 of 2020

R.Vini @ Vinithraj

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.
(PRC. No.3 of 2001) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/Accused-2 on bail in PRC.No.3 of 2001 on the file of the Judicial Magistrate No.I, Poonamallee in Cr.No.624 of 1999 on the file of the respondent police.

For Petitioner : Mr.S.Diwakar

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 12.11.2020 for the offence punishable under Sections 302 and 380 of IPC, seeks bail.

2. It is a case of jumped bail. Totally there are three accused and the petitioner is arrayed as A2. Earlier, the petitioner was granted bail and subsequently, when the matter was pending for committal in PRC No.3 of 2001, on the file of the Judicial Magistrate No.I, Poonamallee, he fails to appear before the Committal Court and hence, on 12.11.2020, the learned Judge had issued Non Bailable Warrant against the petitioner. Pursuant to which, the petitioner was arrested and remanded to judicial custody on 12.11.2021. Thereafter, the matter was committed and now the same is pending in S.C.No.120 of 2020 on the file of the Additional District Court-III, Poonamallee. Now, he prays to grant bail.

3. The learned counsel for the petitioner would submit that the petitioner was unable to appear before the trial 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 from the year 2001. Since the petitioner did not appear before the Committal Court, the Committal Judge issued NBW against the petitioner on 27.05.2005. After much difficulty, the petitioner was arrested only in the year 2020. Now, the matter was committed and the same is pending in SC.No.120 of 2020 on the file of the Additional District Judge-III, Poonamallee, for trial. If the petitioner is released on bail, he may once again abscond and derail the proceedings. She would also submit that there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case, and the fact that there is no previous case pending as against the petitioner 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 **Additional District Judge-III, Thiruvallur at Poonamallee** 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 trial Court daily at 10.30 a.m., on all working days at 10.30a.m., without fail; if the petitioner fails to appear before the Court, the bail granted to the petitioner shall stand cancelled without any further reference to this Court;

(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. Considering the fact that the matter is pending from the year 2001 and now, it is ripen for trial, the Trial Court is directed to proceed with the trial on day to day basis and complete the same as expeditiously as possible, preferably, within a period of 3 months from the date of receipt of a copy of this order and the petitioner is also directed to co-operate with the trial.

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

-sd/-
10/03/2021

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 JUDGE-III,
THIRUVALLUR AT POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.S.DIWAKAR Advocate on payment of necessary charges SR.NO.3080

CRL OP.20767/2020

Date :10/03/2021

TA-11/03/2021