

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.21025 of 2020

Muthuraj

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruvannamalai East Police Station
Thiruvannamalai District
Crime No.660 of 2015 ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.660 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.Rajkumar

For Respondent : Mrs.M. Prabhavathi,
Addl. 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 04.03.2020 for the offences punishable under Section 341, 506(ii), 392 IPC r/w 397 of IPC, in Crime No.660 of 2015, seeks bail.

2. The petitioner is the sole accused. Earlier, the petitioner was granted bail and subsequently, since he was absconding, NBW was issued on 18.02.2020 and thereafter, he was arrested on 04.03.2020. Hence, he seeks bail.

3. The learned counsel for the petitioner would submit that the petitioner, after released on bail has been regularly appearing before the trial Court. In the meantime, he was arrested in another case and hence, he was unable to appear before the Court. Hence, non-bailable warrant was issued against him. He would further submit that the petitioner has been in judicial custody for more than one year. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner is an habitual offender and he is also involved in two previous cases. If the petitioner is released on bail, he will again abscond and tamper the witnesses.

5. Considering the fact that the petitioner is in judicial custody for more than 11 months, 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 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 Judicial Magistrate No.II, Thiruvannamalai, 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 trial Court on all working days at 10.30 a.m until further orders.

(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.

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

-sd/-
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,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI EAST POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.21025/2020

Date :25/01/2021

MK:27/01/2021

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