



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26..11..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.22506 of 2021

Venkatesan

... Petitioner

-Versus-

State Rep. By
The Inspector of Police,
Tambaram Police Station
[Crime No.2622 of 2014]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code praying to enlarge the petitioner on bail pending trial in S.C.No.142 of 2016 on the file of the learned III Additional District and Sessions Judge, Chengalpattu relating to the case in Crime NO.2622 of 2014 on the file of the respondent police.

For Petitioner : Mr.R.Rajprabhu

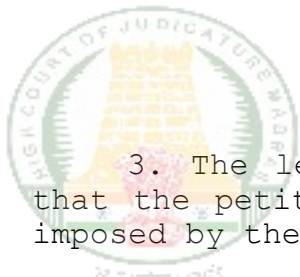
For Respondent : Mr.C.E.Pratap,
Government Advocate [Criminal Side]

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 05.10.2020 in execution of P.T. Warrant issued in S.C.No.142 of 2016 by the learned III Additional Sessions Judge, Chengalpattu, has come up with this original petition seeking bail.

2. The learned counsel for the petitioner would submit that the petitioner has been in incarceration for more than one year. Earlier, he was granted bail in this case, but, as he was remanded to judicial custody in connection with another case, he could not appear before the trial court in this case. Subsequently, a PT Warrant came to be issued and the petitioner was remanded to judicial custody on 05.10.2020 under the PT Warrant.



3. The learned counsel for the petitioner would further submit that the petitioner is ready to abide by any conditions that may be imposed by the court for the grant of bail.

4. The learned Government Advocate (Criminal Side) would on the other hand submit that the petitioner has 9 other cases including a murder case to his credit and trial is pending in all the cases. Earlier, the petitioner was granted bail in this case and in some other cases, but, subsequently, he did not appear before the trial court and as such, a non bailable warrant was issued and he has been remanded to judicial custody in connection with the other cases. If the petitioner is released on bail, there is likelihood of the petitioner absconding again and hampering with the trial.

5. Considering the said facts and circumstances of the case, more particularly, the fact that earlier, the petitioner was granted bail in this case and he was subsequently, remanded under PT warrant, and also the fact that he has been in incarceration for more than a year, 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 that he shall 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 III Additional District and Sessions Judge, Chengalpattu, 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 report before the trial court 10.30 a.m. on all working days 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;

(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.

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

-sd/-
26/11/2021

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 IIIRD ADDITIONAL DISTRICT JUDGE
AT CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
TAMBARAM POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.22506/2021

Date :26/11/2021

JPA 29/11/2021