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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21887 of 2021

Gaja @ Gajenderan

... Petitioner

Vs.

The State Rep by
Inspector of Police,
Peerkankaranai Police Station,
Kanchipuram District.
Crime No.791 of 2007

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in S.C.No.68 of 2010 on the file of the Additional District and Sessions Court at Chengalpattu in Crime No.791 of 2007 on the file of the respondent Police.

For petitioner : Mr.D.Magesh

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.09.2021 for the offence under Sections 148, 341, 302 read with 149 IPC, in Crime No.791 of 2007, on the file of the respondent police seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 16.09.2021 on execution of non bailable warrant issued against him on 24.02.2021 in S.C.No.68 of 2010 on the file of the learned Additional District and Sessions Judge, Chengalpattu.



3. The learned Counsel for the petitioner submitted that the petitioner was arrested in another Crime No.52 of 2021 and subsequently, he was detained under Section 110 Cr.P.C. due to which, the petitioner was unable to appear before the Court and the Prosecution also failed to inform the same before the Court. Hence, non bailable warrant was issued against the petitioner and after his release, due to pandemic, the petitioner could not appear before the Court. Thereafter, while he was surrendering before the Court to recall the warrant, he was arrested and remanded to judicial custody. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the the petitioner has been secured after a period of 6 months and if he is released on bail, there is every possibility of the petitioner getting abscond and thereby, the trial would be stalled.

5. It is seen that the Sessions Case is of the year 2010 and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Additional District and Sessions Court, Chengalpattu, and on further conditions 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 on every Tuesday and Friday at 10.30 a.m. until further orders and also appear on all hearings without fail.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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/-
22/11/2021

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 ADDITIONAL DISTRICT AND SESSIONS COURT,
CHENGALPET.

2 THE INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION,
KANCHIPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.MAGESH Advocate on payment of necessary charges
SR.NO.13134

CRL OP.21887/2021

Date :22/11/2021

JPA 23/11/2021