



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

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

Cr1.O.P.No.22045 of 2021

Prasath

...Petitioner

Vs.

The State rep. by
Inspector of Police
Hasthampatty Police Station
Salem District
Cr.No.395 of 2014

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail arrested based on the non bailable warrant issued by the III Additional District Judge, Salem on 12.02.2020.

For petitioner : Mr.S.Parthasarathy

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 28.10.2020 for the offence under Sections 147, 148 IPC and Section 3(1) of TNPPDL Act, in Crime No.395 of 2014 on the file of the respondent police seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 28.10.2020 on execution of non bailable warrant issued against him on 12.02.2020 by the learned III Additional District Judge, Salem District.

3. The learned Counsel for the petitioner submitted that the petitioner was detained under Act 14 of 1982 and thereafter, the same was quashed and subsequently, the petitioner was arrested in this case through P.T. Warrant and that the petitioner has been in judicial custody for more than one year from 28.10.2020. Hence, he seeks for



grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner has got three previous cases 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 2017 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 III Additional District Judge, Salem 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 appear before the trial Court on every Wednesday 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.

-sd/-

23/11/2021

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 III ADDITIONAL DISTRICT
JUDGE, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1 CC to M/S. S.PARTHASARATHY Advocate on payment of necessary
charges SR.No.60490

CRL OP.22045/2021

Date :23/11/2021

APN 24/11/2021