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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

Crl.O.P.No.22598 of 2021

Subbu (A) Subramanian

... Petitioner

Vs.

The Inspector of Police,
N-1 Police Station,
Royapuram
Crime No.1976/1997

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1976 of 1997 on the file of the respondent police.

For petitioner : Mr.M.J.Nissar Ahmed

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 26.08.2021 for the offences under Sections 120(B), 364-A & 347 of IPC in Crime No.1976 of 1997, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 26.08.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioner submitted that it is the case of the year 1997 and he was regularly appearing before the Court. Thereafter, the petitioner due to health issues, he was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on 26.08.2021 and that he has been suffering



incarceration for more than 90 days from 26.08.2021. He further submitted that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate raised objection stating that the petitioner was absconding for more than 20 years. The case is of the year 1997. Since, the petitioner was absconding after filing charge sheet, the case has been split up against the petitioner and others in C.C.No.812 of 2020 and if the petitioner is released on bail, there is every possibility that the petitioner getting abscond and the trial would get stalled.

5. It is seen that the case is of the year 1997. Trial also began. 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 XVI Metropolitan Magistrate, George Town, Chennai, 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 is directed to appear before the trial Court 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/-
02/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
N-1, POLICE STATION,
ROYAPURAM,

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL JAIL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.J.NISSAR AHMED Advocate on payment of necessary charges SR.NO.13970

CRL OP.22598/2021

Date :02/12/2021

JPA 03/12/2021