



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.22584 of 2021

Arul Jothi

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
SHO Vridhachalam Police Station,
Cuddalore District.
Crime No.401 of 2014

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in STC No.1321 of 2014 on the file of Judicial Magistrate No.1, Vridhachalam on the file of the respondent police.

For petitioner : Mr.A.Ashvathamam

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 15.11.2021 for the offences under Section 294(b), 352 of IPC, in Crime No.401 of 2014, on the file of the respondent police in STC No.1321 of 2014 on the file of the learned Judicial Magistrate No.I, Vridhachalam, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 15.11.2021 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 2014 and that the petitioner was regularly appearing before the trial Court. Thereafter, the mother of the petitioner suffered with cancer and no one was there to take care of her and thereby, the petitioner could not appear before the Court and subsequently, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on 23.09.2021 and that he has been suffering incarceration for more than 60 days from 23.09.2021. He would 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.

4. The learned Government Advocate raised objection stating that with great difficulties the respondent police have executed the non bailable warrant and if the petitioner is released on bail, there is every possibility that the petitioner would get abscond and the trial would get stalled.

5. It is seen that the sessions case is of the year 2014 and that the 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 Judicial Magistrate No.I, Vridhachalam, 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 and co-operate for the trial.

(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



(f) if the accused thereafter absconds, a fresh
FIR can be registered under Section 229-A IPC.

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-sd/-
29/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, VRIDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SHO VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.A.ASHVATHAMAN Advocate on payment of necessary
charges SR.NO.13644

CRL OP.22584/2021

Date :29/11/2021

JPA:29/11/2021