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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Cr1.O.P.No.22715 of 2021

Tamilselvan

... Petitioner

Vs.

The Inspector of Police,
Sooramangalam Police Station,
Salem.

Crime No.1085 of 2018

...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.124 of 2019 pending on the file of II Additional District and Sessions Judge, Salem, in Crime No.1085 of 2018 on the file of Inspector of Police, Sooramangalam Police Station, Salem.

For petitioner : Mr.C.Prabakaran

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 24.09.2021 for the offences under Sections 302 r/w 34 of IPC, in Crime No.1085 of 2018, on the file of the respondent police in S.C.No.124 of 2019 pending on the file of II Additional District and Sessions Judge, Salem, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 24.09.2021 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 2018 and that the petitioner was regularly appearing before the trial Court. While so, on 19.02.2021, due to death of his grandmother, the petitioner 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 24.09.2021 and that he has been suffering incarceration for more than 60 days from 24.09.2021. He further submitted that the petitioner undertakes to appear before the trial Court regularly and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) 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. Further, he would submit that the case is posted today (29.11.2021) for framing charges.

5. It is seen that the sessions case is of the year 2019 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-II, 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 is directed to appear before the trial Court on every Monday at 10.30 a.m. until further orders. The petitioner is also directed to appear before the trial Court on all hearings and co-operate for the trial 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/-
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 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.13611

CRL OP.22715/2021

Date :29/11/2021

RW 30/11/2021