



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

Crl.O.P.No.22982 of 2021

Bala @ Balaji

... Petitioner

Vs.

The State of Tamil Nadu.
Rep. by the Inspector of Police,
Hasthampatti Police Station,
Salem City,
Salem District.
Crime No.74/2016

... 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.32 of 2019 pending trial on the file of the Learned III Additional District Judge, Salem District in Crime No.74 of 2016 on the file of the Respondent Police.

For petitioner : Mr.G.Anto Prince

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 14.09.2021 for the offences under Sections 120(b), 147, 307 r/w 109 IPC & Sections 3, 4(a) (b), 6 r/w 3 of IES Act in Crime No.74 of 2016, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 14.09.2021 pursuant to the Non Bailable Warrant issued against him on 04.03.2021.



3. The learned Counsel for the petitioner submitted that it is the case of the year 2016 and the petitioner was regularly appearing before the Court. Thereafter, due to Covid pandemic situation, the petitioner was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner on 04.03.2021. Subsequently, on 14.09.2021, when the petitioner surrendered before the trial Court to recall the warrant, the petitioner was arrested and that he has been suffering incarceration for more than 70 days from 14.09.2021. 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.

4. The learned Government Advocate raised objection stating that the petitioner was absconding for more than 8 months and the Sessions Case is of the year 2019 and that the next hearing is on 06.12.2021. If the petitioner is released on bail, there is every possibility of the petitioner getting abscond and the trial would get stalled.

5. It is seen that the crime is of the year 2016. Now 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 III Additional District Judge, Salem District, 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 respondent police on every Tuesday and Sunday at 10.30 a.m until further orders. The petitioner is also directed to appear before the trial Court in S.C.No.32 of 2019 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/-
03/12/2021

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 III ADDITIONAL DISTRICT JUDGE,
SALEM DISTRICT.

2 THE INSPECTOR OF POLICE,
HASTHAMPATTI POLICE STATION,
SALEM CITY, SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.ANTO PRINCE Advocate on payment of necessary charges

CRL OP.22982/2021

Date :03/12/2021

JPA 06/12/2021