



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

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

CrI.O.P.No.24104 of 2021

Thirumalai

... Petitioner

Vs.

State rep by
The Inspector of Police,
Thirukoilur Police Station,
Villupuram District.
(Crime No.95 of 2016)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in S.C.No.128 of 2016, on the file of the Additional Subordinate Court No.II, Villupuram, Villupuram District.

For petitioner : Mr.R.Sasikumar

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 24.11.2021 for the offences under Sections 294(b), 352, 324, 506(ii) and 307 of IPC, in Crime No.95 of 2016, on the file of the respondent police in S.C.No.128 of 2016 on the file of the Additional Subordinate Court No.II, Villupuram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 24.11.2021 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 2016 and that the petitioner was regularly appearing before the trial Court. While so, the petitioner suffered with health problem due to which, the petitioner was unable to appear before the Court pursuant to which, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on 24.11.2021 and that he has been suffering incarceration for more than 15 days from 24.11.2021. 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 (Crl. Side) raised objection stating that on earlier two occasions also NBW was issued against the petitioner and subsequently, the same were recalled and thereafter, the petitioner was absconding for about 2 years and with great difficulties, the petitioner has been arrested on execution of non bailable warrant and if he is released on bail, he would again abscond and the trial would get stalled.

5. It is seen that the sessions case is of the year 2016. 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 Additional Subordinate Court No.II, Villupuram, Villupuram 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 is directed to report before the trial Court on every Monday and Friday at 10.30 a.m. until further orders and he should also appear on all Court hearings without fail and to 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 [(2005) AIR SCW 5560]; and;

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

-sd/-
14/12/2021

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 ADDITIONAL SUBORDINATE COURT NO.II,
VILLUPURAM, VILLUPURAM DISTRICT.

2 THE OFFICER INCHARGE,
SUB-JAIL, THIRUKOILUR.

3 THE INSPECTOR OF POLICE,
THIRUKOILUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S R. SASIKUMAR Advocate on payment of necessary charges SR.NO.14747

CRL OP.24104/2021

Date :14/12/2021

MK:14/12/2021