



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

CrI.O.P.No.25226 of 2021

1. Barath
2. Sathish

.. Petitioners

Vs.

State Represented by
The Inspector of Police
K-3 Aminjikarai Police Station
Chennai
(Crime No.1136 of 2015)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 of Cr.P.C. praying to enlarge the petitioners on bail in P.R.C.No.17 of 2016 on the file of the V Metropolitan Magistrate, Egmore, Chennai, in Crime No.1136 of 2015 on the file of the Respondent police.

For Petitioners: M/s.B.M.Santharam

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioners who were arrested and remanded to judicial custody on 02.12.2021 for the offences under Sections 302 IPC @ 365, 344, 348 & 302 of IPC r/w 34 of Indian Penal Code in Crime No.1136 of 2015 on the file of the respondent police, seek bail.

2. It is a case of jumped bail. The petitioner was arrested on 02.12.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioners submitted the charge sheet was filed in the year 2016 and thereafter, no summons were issued to the petitioners and therefore, the petitioners were not aware of the case hearings. While being so, the petitioners were arrested on 02.12.2021 on execution on non bailable warrant. He would submit that the petitioners had no intention to abscond from trial proceedings and that they are prepared to appear regularly before the trial Court and to co-operate for the trial. He would further submit that the petitioners have been suffering incarceration for more



than 15 days from 02.12.2021 and hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that due to abscondance of the petitioners, the case is still in P.R.C. Stage and the copies were not served and now the case is posted to 30.12.2021 for serving copies. He would further submit that there are totally 6 accused in this case. The accused 2 and 3 have appeared before the Court and A1 has recalled and that the petitioners are not co-operating for the trial and if the petitioners are released on bail, they would abscond and thereby the trial would get stalled.

5. It is seen that the case is of the year 2016 and already the case is tried for charges and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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 V Metropolitan Magistrate, Egmore, 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 daily at 10.30 a.m. for a period of two months and also on all Court hearings without fail and to co-operate for the trial proceedings.

(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/-

23/12/2021

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
K-3, AMINIKARAI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges SR.NO.15532

CRL OP.25226/2021

Date :23/12/2021

RVR 23/12/2021