



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25509 of 2021

Sumathi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Vikravandi Police Station,
Vikravandi, Villupuram District.
Crime No.15/1993

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.15 of 1993 on the file of the respondent police.

For petitioner : Mr.K.Selvaranagan

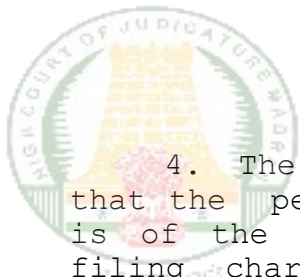
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 147, 148, 341, 384, 302, 149 of IPC and 8 (1) (b) of I.T. Act. in Crime No.15 of 1993, 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 1993 and she was regularly appearing before the Court. Thereafter, the petitioner due to Covid pandemic, she was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was appeared before the trial Judge for recalling NBW, the learned Judge refused that and remanded her on Judicial custody and that she has been suffering incarceration for more than 30 days from 15.11.2021. 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 raised objection stating that the petitioner was absconding for more than 10 years. The case is of the year 1993. Since, the petitioner was absconding after filing charge sheet, the case has been split up against the petitioner and others in S.C.No.21 of 2018 and if the petitioner is released on bail, there is every possibility that the petitioner getting abscond and the trial would get stalled.

5. It is seen that the case is of the year 1993. Trial also began. Considering the period of incarceration undergone by the petitioner and she is being a women, this Court is inclined to grant bail to the petitioner with certain conditions and this Court direct the Principal Sessions Judge, Villupuram, to dispose the case within three months.

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 Principal Sessions Judge, Villupuram District, Villupuram, 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.

(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.



1 THE PRINCIPAL SESSIONS JUDGE,
VILLUPURAM DISTRICT, VILLUPURAM

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
VIKRAVANDI POLICE STATION,
VIKRAVANDI, VILLUPURAM DISTRICT.

CC to M/S.K.SELVARANGAN
charges Sr.15443

Advocate on payment of necessary

CRL OP.25509/2021

Date :23/12/2021

RVR 23/12/2021