



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.25457 of 2021

WEB COPY

Vicky @ Vignesh Kumar

...Petitioner

Vs.

State rep by The Inspector of Police
Tiruppur North Police Station,
Tiruppur District.
(Crime No.768 of 2015)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.S.C.No.13 of 2017, on the file of the respondent police.

For Petitioner : Mr.K.Elangovan

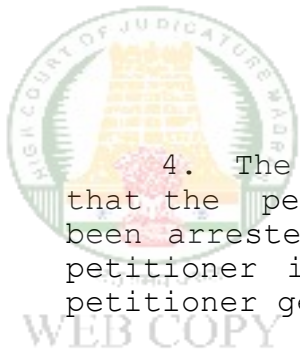
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 20.10.2021 for the offences under 439 of IPC later altered into Section 5(1) r/w 6 of Protection of Children From Sexual Offences Act 2012, in Crime No.768 of 2015, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 20.10.2021 pursuant to the Non Bailable Warrant issued against him.

3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submits that no summon was issued to the petitioner, due to the covid pandemic he was not able to attend the Court proceedings. He would further submits that the petitioner has been suffering incarceration for more than 60 days from 20.10.2021. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner was absconding for more than 4 months and he has been arrested only on 20.10.2021 with great difficulties and 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 case is of the year 2015. 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 Sessions Judge, Mahila Court (FAC), Tiruppur, 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 first Tuesday at 10.30 a.m. until further orders and the petitioner is also directed to appear before the trial Court on all hearings without fail. Further, the petitioner shall not have any communication with the victim girl till the disposal of the case.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or 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 THE SESSIONS JUDGE,
MAHILA COURT (FAC), TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to Mr.K.Elangovan Advocate on payment of necessary charges
SR.NO.15503

CRL OP.25457/2021

Date :23/12/2021

RW 23/12/2021