

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.185 of 2022

Ramesh Kumar

...Petitioner

Versus

State represented by
The Inspector of Police

...Respondent

(*)Thiruvottiyur Police Station,
Thiruvallur District.
(Crime No.1195 of 2003)

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest concerned in S.C.No.166 of 2008, on the file of the Additional District Sessions Court-IV, Ponneri.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
Dated:06/01/2022

: MR.L.Baskaran, Govt. Advocate(CRL. SIDE)
CRL.MP.NO.1863/2022 IN CRL.OP.NO.185/2022
Dated :28/02/2022

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 3(1) TNPPDL Act r/w 34 of IPC in S.C.No.166 of 2008, on the file of the Additional District Sessions Court-IV, Ponneri. seeks anticipatory bail.

2. When the case was posted for hearing, the petitioner did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner on 27.06.2019 for his non appearance.

3. The learned counsel for the petitioner submitted that the petitioner is now ready to appear before the trial Court and to abide by any stringent conditions imposed by this Court. Hence he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Additional District Sessions Court-IV, Ponneri, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the trial Court on all hearing dates, without fail.

(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/-

06/01/2022

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.

(*)Amended as per order of this court dated 28/02/2022 made in CRL.MP.NO.1863/2022 IN CRL.OP.NO.185/2022.

TO

1 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
NO.IV, PONNERI.

2 THE INSPECTOR OF POLICE,
(*)THIRUVOTTIYUR POLICE STATION,
THIRUVALLUR DISTRICT.

3 THE INSPECTOR OF POLICE,
SANTHANGKADU POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.185/2022

Date :06/01/2022

CSK 11/01/2022

CSK 08/03/2022