



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.1038 of 2022

WAHEERDUR RAHAMAN

.. Petitioner

Vs.

State rep by its
The Inspector of Police
C.B.C.I.D. Of Police
Chennai
(Crime No.01 of 2015)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending committal in P.R.C.No.08 of 2017 on the file of the learned Judicial Magistrate No.I at Thiruvallur District.

For Petitioner : Mr.D.Dayalan

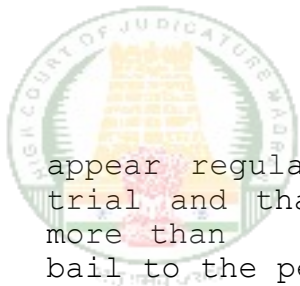
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.11.2021 for the offences under Sections 420 and 489(b) of IPC, 1860, in Crime No.01 of 2015 on the file of the respondent police in P.R.C.No.08 of 2017 on the file of the learned Judicial Magistrate No.I, Thiruvallur District, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 14.11.2021 pursuant to the Non Bailable Warrant issued against him,.

3. The learned Counsel for the petitioner submitted that this is the second application for bail. The petitioner was not aware of the pending case against him and that he was not issued any summons and thereby, he did not appear before the Court whereas, the learned Magistrate issued non bailable warrant against the petitioner and the petitioner was arrested on 14.11.2021 on execution of non bailable warrant. He further submitted that the petitioner is prepared to



appear regularly before the trial Court and to co-operate for the trial and that the petitioner has been suffering incarceration for more than 65 days from 14.11.2021. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised strong objection stating that the case is now pending committal in P.R.C.No.8 of 2017 and the petitioner was absconding for more than 6 years and if the petitioner is released on bail, there is every possibility of the petitioner getting abscond and thereby, the trial proceedings would be stalled.

5. It is seen that the case is of the year 2015 and now the case has been taken on file in P.R.C.No.8 of 2017. Considering the above facts and circumstances of the case and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Thiruvallur,, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. except on Court hearing dates and he shall appear before the trial Court on all hearings without fail and co-operate for the trial proceedings.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond during trial;

(g) the petitioner shall not tamper with evidence or witness during trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-
20/01/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CBCID OF POLICE ,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1CC to D.DAYALAN Advocate on payment of necessary charges
SR.No.843

CRL OP.1038/2022

Date :20/01/2022

CSK 21/01/2022