



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.495 of 2022

Sambasivam

.. Petitioner

Vs.

State Rep by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
(Crime No.36 of 2006)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in C.C.No.224 of 2006 pending before the Judicial Magistrate - I, Villupuram.

For Petitioner : Mr.M.Karthik

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.12.2021 for the offences under Sections 304-A of IPC in C.C.No.224 of 2006 pending before the Judicial Magistrate-I, Villupuram, seeks bail.

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

3. The learned Counsel for the petitioner submitted that it is the case of the year 2006 and the petitioner was regularly appearing before the Court. Thereafter, the petitioner, due to health issues, he was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested and that he has been suffering from incarceration for more than 36 days from 08.12.2021. 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 case is pending from the year 2006 and already several time NBW's were issued against the accused in the year 2007, 2009, 2010, twice in 2012, 2017 and 2018 and the same was recalled and again the petitioner failed to appear before the trial court. For the same, the trial court has issued NBW and on execution of NBW, he was arrested and remanded to judicial custody on 08.12.2021. He further submits that if the petitioner is released on bail, there is every possibility of the petitioner getting absconded and the trial would get stalled.

5. It is seen that the case is of the year 2006 and 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;

(a) 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), before the *learned District Jail, Vedampattu, Villupuram*, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

the petitioner shall appear before the trial Court on all hearings without fail.

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

(f) the petitioner shall not abscond during trial;

(g) 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;



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

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-sd/-

11/01/2022

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-I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VEDAMPATTU,
VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.495/2022

Date :11/01/2022

CSK 12/01/2022