



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

CrI.O.P.No.611 of 2022

WEB COPY

Maan @ Immanuvel @ Jeyakumar

.. Petitioner

Vs.

The State
Rep. by its Inspector of Police
E-2, Royapettah Police Station
Chennai

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail against the execution of NBW on 08.10.2021 in connection with P.R.C.No.124 of 2014 on the file of the XVIII M.M. Saidapet, Chennai.

For Petitioner : M/s.M.Kaveriselvam

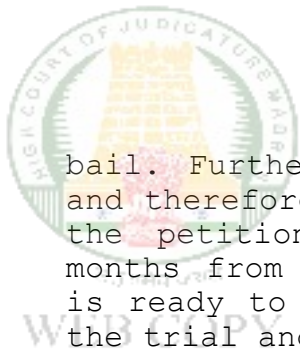
For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 08.10.2021 for the offences under Sections 341, 448, 506(ii), 307 read with 120(b) of IPC in Crime No.948 of 2013, on the file of the respondent police in P.R.C.No.124 of 2014 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 08.10.2021 pursuant to the non bailable warrant issued against him.

3. The learned Counsel for the petitioner would submit that the petitioner was earlier granted bail and thereafter, the petitioner was working at Bangalore as a bonded labour due to which, he was unable to appear before the Court on 05.03.2019 and due to his poverty, he could not engage a counsel on behalf him. Subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 08.10.2021 on execution of non bailable warrant. The learned Counsel would further submit that the petitioner was arrested along with A1 and A3 and subsequently, they were granted



bail. Further, the NBW is pending against one of the co-accused/A7 and therefore, there is no progress in the trial proceedings and that the petitioner has been suffering incarceration for more than 3 months from 08.10.2021. He would further submit that the petitioner is ready to appear before the Court regularly and to co-operate for the trial and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner was absconding for more than 1½ years and if the petitioner is released on bail, again he may abscond and the trial proceedings would be stalled.

5. It is seen that it is the case of the year 2014 and already NBW is pending against one of the co-accused/A7 and therefore, there is no progress in the trial proceedings.

6. 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 petitioners 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, 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 appear before the trial Court on all hearings without fail.

(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/-

12/01/2022

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CRL OP.611/2022

Date :12/01/2022

RVR 19/01/2022