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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.984 of 2022

1. PONVEL
2. MANIVANNAN

.. Petitioners

Vs.

The State rep by.
The Inspector of Police
R-7, K.K.Nagar Police Station
Chennai- District
(Crime No.933 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.67/2020 in Crime No.933 of 2020 pending for committal on the file of the learned XXIII, Metropolitan Magistrate at Saidapet.

For Petitioner : Mr.Ilayaraja Kandasamy for
Mr.V.Ramachandran

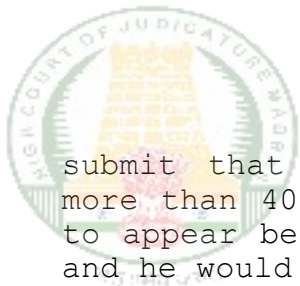
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners who were arrested and remanded to judicial custody on 02.12.2021 for the offences under Sections 341, 448, 294(b), 324, 307, 506(ii) IPC, in Crime No.933 of 2020, on the file of the respondent police in P.R.C.No.67 of 2020 on the file of the learned XXIII, Metropolitan Magistrate, Saidapet.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 13.10.2020 pursuant to the non bailable warrant issued against him.

3. The learned Counsel for the petitioner would submit that the petitioners were earlier granted bail. Since, the petitioners are daily wages Coolie workers, there were unable to appear before the Court on the hearing date. Therefore, the learned Magistrate issued non bailable warrant against the petitioners on 01.09.2021 and due to their poverty, they could not engage a counsel to recall the warrant and subsequently, they were arrested on 02.12.2021 on execution of non bailable warrant. The learned Counsel would further



submit that the petitioners have been suffering incarceration for more than 40 days from 02.12.2021 and that the petitioners are ready to appear before the Court regularly and to co-operate for the trial and he would pray for grant of bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners were absconding for about 4 months and if they are released on bail, again they may abscond and the trial proceedings would be stalled.

5. It is seen that it is the case of the year 2020 and it is pending committal. Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned XXII 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 petitioners shall appear before the trial Court on all hearings without fail.

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

(f) the petitioners shall not abscond during trial;

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 XXII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-7, K.K. NAGAR POLICE STATION,
CHENNAI DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CRL OP.984/2022

Date :12/01/2022

RVR 19/01/2022