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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

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

Crl.O.P.No.1195 of 2022

Johnson .. Petitioner

Vs.

The State rep by
The Inspector of Police
Villupuram Town Police Station
Villupuram District
(Crime No.1551 of 2020) .. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in S.C.No.380 of 2021 on the file of the learned Principal District and Sessions Judge at Villupuram.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 14.12.2021 for the offences under Sections 294(b), 323, 506(ii) and 307 IPC read with Section 3 of PPDL Act, in Crime No.1551 of 2020 on the file of the respondent police in S.C.No.380 of 2021 on the file of the learned Principal District and Sessions Judge, Villupuram.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 14.12.2021 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 regularly appearing before the trial Court. Thereafter, the petitioner could not contact his Counsel and thereby, he could not appear before the trial Court on 19.11.2021 and subsequently, the learned Sessions Judge, issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 14.12.2021 on execution of non bailable warrant. The learned Counsel

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would further submit that the petitioner has been suffering incarceration for more than 35 days from 14.12.2021 and that the petitioner is ready to appear before the Court regularly and to co-operate for the trial and hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the petitioner did not appear before the trial Court on 19.11.2021 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on execution of non bailable warrant.

5. It is seen that the case is of the year 2020 and now the trial has began. 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, 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 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 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];

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(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

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

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, VILLUPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.I, VILUPPURAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

5 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.868

CRL OP.1195/2022

Date :20/01/2022

RW 21/01/2022

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