



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

CrI.O.P.No.1324 of 2022

Ajithkumar

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Fairlands Police Station,
Salem City.
(Crime No: 175/2017)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C. No. 262 of 2018 on the file III Additional District Judge, Salem.

For Petitioner : M/s.M.Subash

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

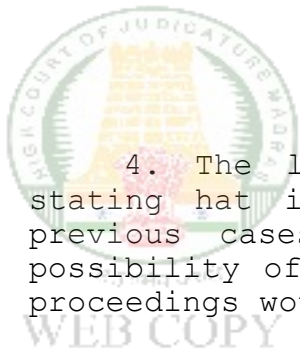
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.08.2021 for the offences under Sections 148, 307, 506 (ii) of IPC and section 3(1) of TNPPDL Act , in Crime No.175 of 2017 , on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody through P.T. Warrant on 25.08.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioner submitted that the petitioner was arrested in another case and thereby, he was unable to appear before the Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner and the petitioner was arrested on 25.08.2021 on P.T. Warrant on execution of non bailable warrant. The learned Counsel would further submit that the petitioner has got bail in other case and that the petitioner has been suffering incarceration for more than 5 months from 25.08.2021. Hence, she seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor raised objection stating that it is the case of the year 2017 and he has got 11 previous cases and if he is released on bail, there is every possibility of the petitioner getting abscond and thereby, the trial proceedings would be stalled.

6. It is seen that the case is of the year 2018 and now the trial 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 III Additional District Judge, Salem, 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. until further orders, 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.

WEB COPY

-sd/-
24/01/2022

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 III ADDITIONAL DISTRICT
JUDGE, SALEM.

2 THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.1324/2022

Date :24/01/2022

CSK 25/01/2022