



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

WEB COPY

CORAM:

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

CrI.O.P.No.1871 of 2022

Selvam @ Seruthur Selvam

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Keelvelur Police Station.
(Crime No.188 of 2018)

... 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. 179 of 2021 in Crime No. 188 of 2018 on the file of the respondent police.

For Petitioner : Mr.P.Vijendran

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

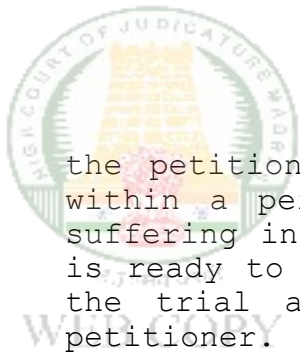
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody for the offences under **Sections 147, 148, 452, 294(b), 143, 307 r/w 109 of IPC**, in Crime No.188 of 2018, 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 on execution of non bailable warrant issued against him.

3. The learned Counsel for the petitioner would submit the petitioner was earlier granted bail and thereafter, he was regularly appearing before the Court and on 23.06.2021, the petitioner could not appear before the trial Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on execution of non bailable warrant. Thereafter,



the petitioner was detained under Act 14 and the same was invoked within a period of 1 ½ months and still the petitioner has been suffering incarceration. He would further submit 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 Government Advocate (Crl. Side) raised objection stating that the petitioner did not appear before the trial Court and thereby, non bailable warrant was issued against and he was arrested on execution of non bailable warrant and there are 8 previous cases against the petitioner and if he is released on bail there is every possibility of the petitioner getting abscond and thereby, the trial would be stalled.

5. 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 Chief Judicial Magistrate, Nagapattinam, 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 daily at 10.30 a.m. for a period of two months except on Court hearing dates. The petitioner shall also 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/02/2022

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 CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KEELVELUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, NAGAPATTINAM.

+1 CC to M/S. P.VIJENDRAN Advocate on payment of necessary charges SR.NO.1783

CRL OP.1871/2022

Date :03/02/2022

TA-04/02/2022