



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.1954 of 2022

Prakash @ Kundu Prakash

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Vilupuram Town Police Station,
Vilupuram District.
(Crime No. 406 of 2016)

... 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 the S.C.No. 115 of 2017, on the file of the learned Principal Sessions Judge, Villupuram.

For Petitioner : M/s.P.Parthipan

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.12.2021 for the offences under Sections 120(B), 147, 148, 324, 302 of IPC r/w Section 149 of IPC and Sections 3, 4(A), 5, 6, of Explosive Substance Act 1908 r/w Sections 25(1)(a), 27(1) or Arms Act, in Crime No. 406 of 2016, on the file of the respondent police in S.C.No.115 of 2017 on the file of the learned Principal Sessions Judge, Villupuram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 07.12.2021 on execution of 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 and thereafter, his family members were suffered with Covid-19 due to which, he was unable to appear before the Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner on 08.09.2021 following which, the petitioner was arrested and remanded to judicial custody on 07.12.2021 on execution of non bailable warrant. The learned Counsel would further submit that the petitioner has been suffering incarceration for more than 55 days from 07.12.2021 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 Government Advocate (Crl. Side) raised objection stating that the petitioner did not appear before the trial Court on 08.09.2021 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on 07.12.2021 on execution of non bailable warrant and he has got one previous case.

5. It is seen that the Sessions Case is of the year 2017 and 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.

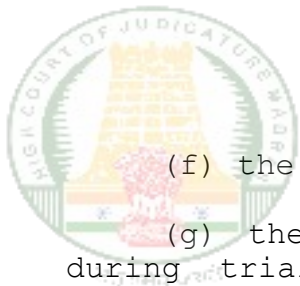
(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Principal Sessions Judge, 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 respondent police daily at 10.30 a.m. for a period of two months 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;

WEB COPY (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/-

31/01/2022

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 PRINCIPAL SESSIONS JUDGE,
VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE INSPECTOR OF POLICE,
VILUPURAM TOWN POLICE STATION,
VILUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to P. PARTHIPAN Advocate on payment of necessary charges
SR.NO.1467

CRL OP.1954/2022

Date :31/01/2022

RW 01/02/2022