



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

CrI.O.P.No.2259 of 2022

Kozhikaran @ Manimaran

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Sooramangalam Police Station
Salem District
(Crime No.1085 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.124 of 2019, in Crime No.1085 of 2018 on the file of the Respondent police.

For Petitioner : Mr.E.Felix Parthibane

For Respondent : Mr.N.S.Suganthan
(Government Advocate CrI. 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 24.09.2021 for the offences under Sections 302 of IPC r/w 34 of IPC, in Crime No.1085 of 2018, on the file of the respondent police, in S.C.No.124 of 2019 on the file of the learned II Additional District Judge, Salem (FAC), seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 24.09.2021 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, he was regularly appearing before the trial Court. On 19.02.2021, he was unable to appear before the Court due to ill health and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 24.09.2021. He would further submit that the co-accused who was arrested along with the petitioner on execution of non bailable warrant has been granted bail by this Court in CrI.O.P.No.22715 of 2021 by order dated 29.11.2021 and that the



petitioner has been suffering incarceration for 135 days from 24.09.2021. 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.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner did not appear before the trial Court on 19.02.2021 and thereby, non bailable warrant was issued against and he was arrested on 24.09.2021 and that he was absconding for more than 6 months. Hence, if he is released on bail, he may abscond and the trial would be stalled. He would further submit that the case is posted today i.e. 02.02.2022 for framing charges.

5. It is seen that the Sessions Case is of the year 2019 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 II 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;

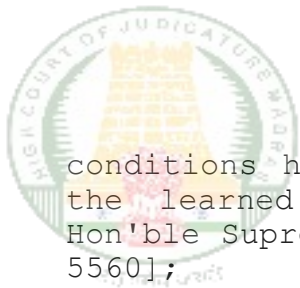
(d) the petitioner shall appear before the trial Court on every Wednesday at 10.30 a.m. until further orders. Apart from that, the petitioner shall appear before the trial Court on all hearings without fail and co-operate for the trial proceedings.

(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.

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

-sd/-

02/02/2022

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 II ADDITIONAL DISTRICT JUDGE,
SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2259/2022

Date :02/02/2022

RVR 03/02/2022