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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2694 of 2022

Basker @ North D.Basker

... Petitioner

Vs.

The State Rep.by
S.H.O.Bhuvanagiri Police Station,
Cuddalore District.
(Crime No.409 of 2009)
SC.No.8 of 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.8 of 2017 on the file of the Sub Court, Chidambaram.

For petitioner : Mr.R.Mohammed Ismail

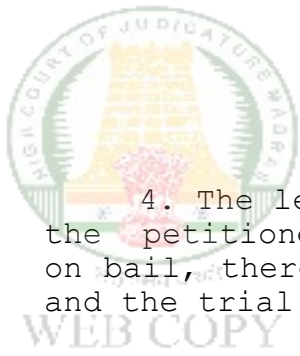
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.10.2020 for the offences under Section 394 and 397 of IPC in SC.No.8 of 2017 on the file of the Sub Court, Chidambaram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 07.10.2020 pursuant to the Non Bailable Warrant issued against him on 03.07.2019.

3. The learned Counsel for the petitioner submitted that the petitioner was arrested through P.T. Warrant on 07.10.2020 and he has been suffering incarceration for more than 1 year. He would submit that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner has got 18 previous cases years and if he is released on bail, there is every possibility of the petitioner getting abscond and the trial would get stalled.

5. It is seen that the Sessions Case is of the year 2017. Trial also began. Considering 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Sub Court, Chidambaram 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall appear before the Thanjavur Police Station daily at 10.30 a.m. for a period of four weeks except on Court hearings. The petitioner shall also appear before the trial Court on all hearings without fail and co-operate for trial proceedings.

(e) the petitioner shall not tamper with evidence or witness during trial;

(f) the petitioner shall not abscond during trial;

(g) on breach of any of the aforesaid conditions, the learned 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]; and;



(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
04/02/2022

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 SUB COURT,
CHIDAMBARAM.

2 THE STATION HOUSE OFFICER,
BHUVANAGIRI POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
THANJAVUR POLICE STATION,
THANJAVUR.

+1CC to M/S A.MOHAMED ISMAIL Advocate on payment of necessary charges SR.No.1952

CRL OP.2694/2022

Date :04/02/2022

CSK 07/02/2022