



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2420 of 2022

Vinoth

...Petitioner

Vs.

The State rep by
The Inspector of Police,
E-3, Tenampet Police Station,
Chennai.
(Crime No.987 of 2004)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.146 of 2005 pending trial on the file of the XVIII, Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioner : Mr.M.Vinoth

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 24.05.2021 for the offences under Sections 341, 324, 336, 307, 427 & 506(ii) of IPC, in Crime No.987 of 2004, 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 24.05.2021 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 trial Court. On 04.03.2014, 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 24.05.2021 on execution of non bailable warrant and that the petitioner has been suffering incarceration for more than 8 months from 17.08.2021 and there is no progress in the trial. 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 was absconding for more than 7 years and with great difficulty, the respondent police have executed the non bailable warrant and there is one previous case. He would further submit that due to absence of the petitioner, the case is still pending in PRC Stage 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 2004 and it is pending at PRC stage in PRC No.146 of 2005 on the file of the learned XVIII, Metropolitan Magistrate Court, Saidapet, Chennai. 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 Metropolitan Magistrate No.XVIII, Saidapet, 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. until further orders 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. Since, the case is pending at PRC stage from the year 2005, the learned XVIII, Metropolitan Magistrate, Saidapet, Chennai, is directed to dispose of the case in P.R.C.No.146 of 2005 within a period of 6 months from the date of receipt of copy of this order.

7. 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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.



4 THE INSPECTOR OF POLICE
E-3, TENAMPET POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.VINOTH Advocate on payment of necessary charges
SR.NO.1845

CRL OP.2420/2022

Date :03/02/2022

RW 04/02/2022