



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

CrI.O.P.No.2442 of 2022

Suresh @ Sureshkumar

...Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
Kumarapalayam Police Station
Namakkal District
(Crime No.632 of 2008)

... 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.6 of 2020 on the file of the Judicial Magistrate, Kumarapalayam.

For Petitioner : Mr.W.Camyles Gandhi

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

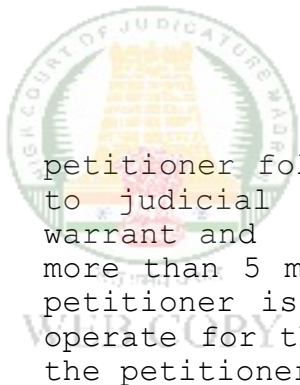
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.08.2021 for the offences under Sections 395 & 397 IPC, in Crime No.632 of 2008, on the file of the respondent police in P.R.C.No.6 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam, Namakkal District, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 17.08.2021 on execution of non bailable warrant issued against him.

3. The learned Counsel for the petitioner would submit that it is the case of the year 2008 and the petitioner was earlier granted bail and after a period of 12 years PRC has been assigned in the year 2020 and thereafter no summon was served on the petitioner. Hence, the petitioner did 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 17.08.2021 on execution of non bailable warrant and that the petitioner has been suffering incarceration for more than 5 months from 17.08.2021. 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.

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 17.08.2021 on execution of non bailable warrant and there are 6 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 2008 and now it is pending at PRC stage in PRC No.6 of 2020 on the file of the learned Judicial Magistrate, Kumarapalayam. 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 Judicial Magistrate, Kumarapalayam, 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 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 JUDICIAL MAGISTRATE,
KUMARAPALAYAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.1766

CRL OP.2442/2022

Date :03/02/2022

CSK 04/02/2022