



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.2690 of 2022

Venkadesn @ Thiruppathibalaji

... Petitioner

Vs.

The Inspector of Police
Tiruvannamalai Town Police Station,
Tiruvannamalai.
(Crime No.1051 of 2012)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail in non bailable warrant dated 21-12-2020 in S.C.No.14 of 2014 pending trial on the file of Principal District and Sessions Judge, Tiruvannamalai, in Crime No.1051 of 2012, on the file of Inspector of Police, Tiruvannamalai Town Police Station, Tiruvannamalai, on such terms and conditions.

For Petitioner : Mr.C.Prabakaran

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 07-12-2021 for the offences under Sections 147, 148, 341, 324, 302 of IPC and 25(1) (A) of Arms Act, in Crime No.1051 of 2012, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 07.12.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioner submitted that the petitioner was earlier granted bail and thereafter, when the case was posted on 21.12.2020 for framing of charges, the petitioner was unable to appear before the Court as he was detained under Act 14 of 1982 and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was petitioner arrested through P.T. Warrant on 07.12.2021. He would further submit that the Goondas has been revoked in HCP No.1066 of 200 dated 24.01.2022 and the petitioner has been suffering incarceration for more than 6 months and that the petitioner



undertakes 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 is involved in another case and he has been arrested through P.T. warrant on execution of non bailable warrant 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 2014. 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned District and Sessions Judge, Thiruvannamalai, 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 report before the trial Court daily at 10.30 a.m. for a period of 6 months and thereafter, on all Court hearings without fail and co-operate for the trial proceedings.

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;



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

-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 DISTRICT AND SESSIONS
JUDGE, THIRUVANNAMALAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE INSPECTOR OF POLICE
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2690/2022

Date :04/02/2022

RVR 07/02/2022