



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

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

Crl.O.P.No.4165 of 2022

WEB COPY

Suresh @ Singapore Suresh

... Petitioner

Vs.

State by Inspector of Police,
Bungalow Pudur Police Station,
Gobichettipalayam, Erode District.
(Cr.No.2 of 2013)

...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.5 of 2018 on the file of the Judicial Magistrate No.1 of Gobichettipalayam in Crime No.2 of 2013 on the file of the respondent.

For Petitioner : Mr.J.Ranjith Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 26.07.2021 for the offences under Sections 147, 148, 364A, 395 r/w 397, 395 r/w 34 or 120 - B of IPC in Crime No.2 of 2013, on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 26.07.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned counsel for the petitioner submitted that it is the case of the year 2013 and he was regularly appearing before the Court. Thereafter, the petitioner due to health issues, was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant (NBW) against the petitioner, following which, the petitioner was arrested on 26.07.2021 and he has been suffering incarceration for more than 235 days from 26.07.2021. He further submits that NBW was pending for 9 years without any progress. Hence, the trial against the petitioner has not commenced till date. He further submits 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 (Crl. Side) submitted that there are 9 accused involved in this case. The petitioner was absconding from 2013. He further submits that the petitioner has got 9 previous cases, which are similar in nature and the petitioner is the native of Thanjavur and this is the case of the year 2013 and he was produced on PT Warrant and remanded to judicial custody in this case only on 26.07.2021 after a period of 8 years, Since the petitioner was absconding after filing charge sheet, the case has been split up against the petitioner and others in S.C.No.32 of 2019 and the same was taken on file before the III Additional District Judge, Gopichettipalayam. He further submitted that if the petitioner is released on bail, there is every possibility of the petitioner again absconding and the trial would get stalled.

5. On a perusal of the available records, it reveals that the petitioner was granted bail by the concerned Court and due to his non-appearance, NBW was issued and he was thereafter arrested and remanded to judicial custody. There are 9 accused involved in this case. Excepting this petitioner and another absconding accused the trial had commenced and witnesses were examined. It further reveals that due to his absence, NBW was issued and he has been suffering incarceration for more than 235 days without any progress in the trial.

6. Though the submissions made by the Government Advocate (Crl. Side) may be reasonable, On seeing the entire facts, it is clear that there is no progress in the trial in the split up case due to NBW pending against another accused for about 4 years. Investigation was almost completed. Hence, the custodial interrogation of the petitioner is not necessary at this stage. Hence, This Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Gopichettipalayam and on further condition that;

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months and the petitioner also appear before the trial Court on all hearings at 10.30a.m., without fail;

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



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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

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

-sd/-

18/03/2022

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,
NO.I, GOPICHETTIPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
BUNGLOW PUDUR POLICE STATION,
GOBICHETTIPALAYAM, ERODE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE



6 III ADDITIONAL DISTRICT JUDGE,
GOPICHETTIPALAYAM

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

CRL OP.4165/2022

Date :18/03/2022

RVR 21/03/2022