



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

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

Crl.O.P.No.4476 of 2022

WEB COPY

K.Rajasekar

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
Perumanallur Police Station.
(Crime No.349 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in C.C.No.469 of 2019 on the file of the Judicial Magistrate, Avinashi, connecting with crime No.349 of 2019 on the file of the Perumanallur Police Station.

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.10.2021 for the offence under Section 392 IPC, in Crime No.349 of 2019, on the file of the respondent police in C.C.No.469 of 2019 on the file of the learned Judicial Magistrate, Avinashi, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 23.10.2021 on execution of non bailable warranted issued against him on 29.01.2020.

3. The learned counsel for the petitioner submitted that the petitioner was earlier granted bail and he was regularly appearing before the Court and thereafter on 29.01.2020, due to his ill health, he was unable to appear before the Court following which, the learned Magistrate issued non bailable warrant against him on 29.01.2020 and subsequently, he was arrested and remanded to judicial custody on 23.10.2021. He would further submit that the petitioner is ready to appear before the Court regularly and that he has been suffering incarceration for more than 90 days from 23.10.2021 and hence, he would pray for grant of bail to the petitioner.



4.The learned Government Advocate would raise strong objection stating that the petitioner has committed robbery from the defacto complainant and he has been arrested by the respondent police with great difficulties after a period of 1 ½ years and that he has got 7 previous cases and if the petitioner is released on bail, there is every possibility of the petitioner getting abscond and thereby, the trial would be stalled.

5. As per the submissions made by the both sides, it is clear that the trial begun and P.W.1 and P.W.2 were examined.

6.Considering the facts and circumstances of the case and also the fact that the trial begun and there is no way for the petitioner to tamper the evidence, this Court is inclined to grant bail to the petitioner with conditions.

(a) 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, Avinashi.

(b)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;

(c) the petitioner shall report before the Perumanallur Police Station everyday Monday and Tuesday at 10.30 a.m., for a period of three months and appear before the trial Court regularly;

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

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

(f)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;



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

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-sd/-

09/03/2022

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,
AVINASHI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
PERUMANALLUR, TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

6 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI

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

CRL OP.4476/2022

Date :09/03/2022

RVR 11/03/2022