



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4605 of 2022

Senthilkumar

... Petitioner / A-5

versus

State rep. by
The Inspector of Police,
Annathanapatty Police Station,
Salem City.
(Crime No.198 of 2013)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail, pending trial in S.C.No.172 of 2019 on the file of learned III Additional District Judge, Salem.

For Petitioner : Mr.M.Subash

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was surrendered and remanded to judicial custody on 07.02.2022, pursuant to the NBW issued by the learned III Additional District Judge, Salem in S.C.No.172 of 2019, for the offences punishable under Sections 120(B), 341, 170, 419, 395, 397 and 506(ii) of IPC in Crime No.198 of 2013, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is an accused in S.C.No. 172 of 2019 on the file of the learned III Additional District Judge, Salem. When at the time, the trial was pending before the said Court, due to non-appearance of the petitioner, NBW was issued on 05.08.2021. Afterwards, the trial Court after dismissing the petition filed under Section 70(2) Cr.P.C. remanded the petitioner to judicial custody.



3. The learned counsel appearing for the petitioner would submit that, after issuing NBW within a reasonable time, the petitioner has surrendered before the trial Court and therefore, no fault upon him and also, he is not having any intention to abscond from the trial proceedings. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that if this petition is allowed, the petitioner may not appear before the trial Court.

5. Considered the submissions made by the learned counsel appearing on either side. Admittedly, only at the time, the petitioner was surrendered before the trial Court that too within three months from the date of issuance of warrant, after dismissing the application, he was remanded to judicial custody. It shows that, he is not having any habit of absconding,

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioner is in incarceration from 07.02.2022, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned III Additional District Judge, Salem;

(b) 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;

(c) the petitioner is directed to appear before the learned III Additional District Judge, Salem, daily at 10.30 a.m. for a period of 15 days and thereafter, shall report before the aforesaid Court for further hearings;

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

(e) 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];



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

-sd/-
25/02/2022

WEB COPY

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 III ADDITIONAL DISTRICT
JUDGE, SALEM.

2 THE INSPECTOR OF POLICE,
ANNATHANAPATTY POLICE STATION,
SALEM CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.SUBASH Advocate on payment of necessary charges
SR.NO.2944

CRL OP.4605/2022

Date :25/02/2022

JPA 28/02/2022