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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8731 of 2022

Raja

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Bhavanagiri Police Station,
Bhavanagiri,
Cuddalore District.
(Crime No.409 of 2009)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in SC.No.26 of 2021 on the file of the Sub Court, Chidambaram, Cuddalore District (Crime No.409 of 2009 on the file of the Inspector of Police, Bhuvanagiri Police Station, Bhuvanagiri, Cuddalore District).

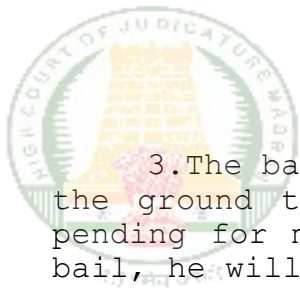
For Petitioner : Mr.R.Muruga Bharathi

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

ORDER

The petitioner, who was arrested on 24.11.2020 for the offences punishable under Sections 394 read with 397 of IPC and subsequently the final report filed under Section 394 read with 397 of IPC in Crime No.409 of 2009, on the file of the respondent police, seeks bail.

2. The petitioner herein is the third accused in a case registered under sections 394 read with 397 I.P.C. for the alleged offence of extortion of Rs.15,000/- from the defacto complainant. The incident took place on 05.08.2009. The petitioner was absconding all along and therefore, the trial could not be proceeded. The petitioner was secured on execution of NBW on 24.11.2020 and therefore, the matter has been committed to the Court of Sessions and taken on file in S.C.No.26 of 2021.



3.The bail petition moved before the court below was dismissed on the ground that due to abscondance of the petitioner, the case is pending for more than 12 years and if the petitioner is released on bail, he will again abscond.

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4.Learned counsel for the petitioner would submit that the petitioner was not aware of the case pending against him and therefore, he could not attend the Court. He was arrested on 24.11.2020 and for the past 15 months, he is in prison. To have effective defense, the petitioner may be released on bail and he is ready to abide by any condition.

5.Taking note of the fact that the petitioner is the resident of Nagapattinam whereas the case is pending before the Principal and Sessions Court, Cuddalore, to ensure the smooth trial of the case without any hindrance and abscondance and also ensure the personal liberty of the petitioner and right to defend his case, this Court is inclined to grant bail to this petitioner. 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Portonovo, Cuddalore District;

(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 report before the trial court every Monday and also attend the trial on the date of hearing.

(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.

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-sd/-
19/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PORTONOVO, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUB COURT,
CHIDAMBARAM, CUDDALORE DISTRICT.

4 THE PRINCIPAL AND SESSIONS JUDGE,
CUDDALORE.

5 THE INSPECTOR OF POLICE,
BHAVANAGIRI POLICE STATION,
BHAVANAGIRI, CUDDALORE DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges SR.No.5787

CRL OP.8731/2022

Date :19/04/2022

CSK 19/04/2022