



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

Coram::

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.13183 of 2022

Santha Kumar

... Petitioner/Accused

/versus/

State rep. By
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai District.
(Crime No.138 of 2018)

... Respondent/Complainant

Prayer:- This Criminal Original Petition is filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in S.C.No.205 of 2019 pending trial on the file of the III Additional Sessions Court, Chennai.

For Petitioner : Mr.S.Nambirajan.

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrayed as A7 was arrested and remanded into judicial custody on 01.04.2022 for the offence under Sections 394 of IPC @ 458, 395 r/w 397, 394 of IPC in S.C.No.205 of 2019 pending on the file of the III Additional Sessions Court, Chennai, seeks bail.

2.The petitioner, who is arrayed as A7 in S.C.No.205 of 2019 for the alleged offence under Sections 394 of IPC @ 458, 395 r/w 397, 394 of IPC jumped bail of this Court and hence, NBW was issued against him and he was secured on 01.04.2022.

3. Due to abscondence, the trial got delayed. When he moved bail before this Court earlier, this Court dismissed the bail petition with liberty to the petitioner to revive the petition for bail after examination of the main witnesses.



4.The learned Government Advocate (Crl.Side) states that fresh summons has issued to LW1 to LW5 for appearance on 16.06.2022. Since the prosecution has not commenced the trial, this Court is inclined to grant bail to the petitioner on the following conditions:-

5.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 III Additional Sessions Court, Chennai;

(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 shall report before the III Additional Sessions Court, Chennai on every Monday at 10.30 a.m., till completion of the trial;

(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 v. State of Kerala [(2005) AIR SCW 5560]**;

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

-sd/-

08/06/2022

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.



1 THE III ADDITIONAL SESSIONS COURT,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-2 ESPLANADE POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-NO.II,
CHENNAI-66.

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

CRL OP.13183/2022

Date :08/06/2022

TA-09/06/2022