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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11026 of 2022

Vimalraj @ Kalaivannan

.. Petitioner

Vs.

State rep by
The Inspector of Police,
V-4, Raja Mangalam Police Station,
Chennai.

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in PRC No.113 of 2019 on the file of the XIII Metropolitan Magistrate, Egmore in Crime No.1031 of 2017 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Gopinath
Government Advocate (crl.side)

ORDER

The petitioner, was arrested and remanded to judicial custody on 28.03.2022 for the alleged offences punishable under Sections 341, 294(b), 323, 336, 397, 506(ii) of IPC in Crime No.1031 of 2017 on the file of the respondent police, in PRC.No.113 of 2019 on the file of the XIII Metropolitan Magistrate, Egmore, Chennai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 28.03.2022 on execution of non bailable warrant issued against him.

3. The learned Counsel for the petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court. On 21.01.2020, he was unable to appear before the Court due to pandemic situation and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 28.03.2022 and the petitioner has been



suffering incarceration since then. He would further submit that the petitioner is ready to appear before the Court regularly and to co-operate for the trial and hence, he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner did not appear before the Trial Court on 21.01.2020 and thereby, non bailable warrant was issued against him and he was arrested on 28.03.2022 and that he was absconding for more than one year and the other accused are also absconding. Hence, if he is released on bail, he may abscond and the trial would be stalled. He would

5. Considering the above facts and circumstances of the case and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with following conditions:

(a) the petitioner is ordered to be released on bail on condition that 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 **Metropolitan Magistrate-XIII, Egmore;**

(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 appear before the Trial Court on all hearing dates without fail and shall co-operate for 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 vs. State of Kerala [(2005)AIR SCW 5560];**

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



6. Accordingly, this Criminal Original Petition is allowed.

-sd/-
12/05/2022

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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 METROPOLITAN MAGISTRATE,
NO.XIII, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-4, RAJA MANGALAM POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.S.SENTHILVEL Advocate on payment of necessary
charges SR.NO.7068

CRL OP.11026/2022

Date :12/05/2022

TA-12/05/2022