



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Cr1.O.P.No.11104 of 2022

Vibin

.. Petitioner

Vs.

State Rep by the Inspector of Police,
Palladam Police Station,
Tiruppur.
Crime No.484 of 2016

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in S.C No.59 of 2022 on the file of the Principal Session Judge, Tiruppur.

For Petitioner : Mr. J.Kingsly Solomon

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.03.2022 for the alleged offences punishable under Sections 448, 324 & 506(ii) of IPC and section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 in Crime No.484 of 2016 on the file of the respondent police, in SC.No.59 of 2022 on the file of the Principal Session Judge, Tiruppur seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 19.03.2022 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 06.03.2019, he was unable to appear before the Court due to the fact that he working as a line man in TANGEDCO and he was not permitted to take holidays as he was working in temporary post and subsequently, he was tested CORONA



positive and the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 19.03.2022 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.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner did not appear before the Trial Court on 06.03.2019 and thereby, non bailable warrant was issued against him and he was arrested on 19.03.2022 and that he was absconding for more than three years. Hence, if he is released on bail, he may abscond and the trial would be stalled.

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 Principal Sessions Judge, Tiruppur;

(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

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 PRINCIPAL SESSION JUDGE
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR.

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.No.7063

CRL OP.11104/2022

Date :12/05/2022

CSK 12/05/2022