



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11447 of 2022

IN

PRC.No.40 OF 2020

(On the file of the V Metropolitan Magistrate at Egmore)

JOSEPH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
K4, ANNA NAGAR POLICE STATION,
CHENNAI. CRIME NO.378 OF 2020

[RESPONDENT]

For Petitioner : M/S.S.SENTHILVEL Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 on execution of Non-Bailable Warrant issued by the learned V Metropolitan Magistrate at Egmore for the offences under Sections 147, 148, 294(b), 332, 324, 307, 506(ii), 269 of IPC r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 in PRC.No.40 of 2020 in respect of crime No.378 of 2020, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as A4 in crime No.378 of 2020 for the offences punishable under Sections 147, 148, 294(b), 332, 324, 307, 506(ii), 269 of IPC r/w Section 3(1) of Prevention of Damage to Public Property Act, 1984 and on filing of charge sheet, the same was taken cognizance by the learned V Metropolitan Magistrate at Egmore in PRC.No.40 of 2020, which is pending. Thereafter, the petitioner did not appear before the lower Court on 13.08.2021. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner got absconded and he was arrested and remanded to the judicial custody on 02.02.2022.



3.The learned counsel appearing for the petitioner would submit that due to ill-health, the petitioner was not able to appear before the lower Court. He would further submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is the accused in PRC.No.40 of 2020. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant on 13.08.2021 against the petitioner and the petitioner was secured only on 02.02.2022, and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5.It is seen that in pursuant to the above said crime, after completion of investigation, the respondent filed final report and the same has been taken cognizance in PRC.No.40 of 2020 on the file of the learned V Metropolitan Magistrate at Egmore. However, the petitioner was absent before the trial court on 13.08.2021.As such on NBW, he was arrested and remanded to judicial custody on 02.02.2022.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned V Metropolitan Magistrate at Egmore Court and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or 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 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/-

06/06/2022

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.

TO

1 V METROPOLITAN MAGISTRATE
AT EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
K4, ANNA NAGAR POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON JAIL-PUZHAL,
CHENNAI

CC to M/S.S.SENTHILVEL Advocate on payment of necessary charges
Sr.8474

CRL OP.11447/2022

Date :06/06/2022

RVR 07/06/2022