

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12101 of 2022

IN S.C.NO.110 of 2014

(On the file of The II Additional District and Sessions Judge,
Thiruvallur At Poonamallee)

M.BALAJI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NOLAMBUR POLICE STATION,
CHENNAI
CRIME NO.1013 OF 2013

[RESPONDENT]

For Petitioner : M/S V.JAI HARI SUDHAN Advocate

For Respondent : MR.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 22.03.2022 on execution of Non-Bailable Warrant issued by the learned II Additional District and Sessions Judge, Tiruvallur at Poonamallee for the offence under Sections 392 r/w 397, 302 of IPC in S.C.No.110 of 2014 in respect of crime No.1013 of 2013, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as an accused in crime No.1013 of 2013 under Section 392 r/w 397, 302 of IPC and the same was taken cognizance by the learned II Additional District and Sessions Judge, Thiruvallur at Poonamallee in SC.No.110 of 2014, which is pending. Thereafter, the petitioner did not appear before the lower Court on 16.12.2020. 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 22.03.2022.

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 SC.No.110 of 2014. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant on 14.06.2021 against the petitioner and the petitioner was secured only on 22.03.2022, 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 said crime, the petitioner was arrested and released on bail. After completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.110 of 2014 on the file of the learned II Additional District and Sessions Judge, Tiruvallur at Poonamallee. However, the petitioner was absent before the trial court on 14.06.2021. As such on NBW, he was arrested and remanded to judicial custody on 22.03.2022. So far, the prosecution have examined 15 witnesses and posted the matter for further witnesses. Now, the petitioner has filed petition to recall the prosecution witnesses and it is pending.

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 II Additional District and Sessions Judge, Poonamallee 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 trial Court viz., learned II Additional District and Sessions Judge, Tiruvallur at Poonamallee 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.

-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 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
TIRUVALLUR AT POONAMALLEE.

2 THE INSPECTOR OF POLICE,
NOLAMBUR POLICE STATION,
CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S V.JAI HARI SUDHAN Advocate on payment of necessary charges SR.NO.8482

CRL OP.12101/2022

Date :06/06/2022

JPA 06/06/2022