



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25656 of 2021

Sureshkumar @ Pattan Suresh

... Petitioner

Vs.

State represented by
Inspector of Police
T2 Ambattur Estate Police Station
Ambattur
Chennai - 98

... 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.57 of 2021, on the file of the III Additional District & Sessions judge, Thiruvallur @ Poonamallee.

For Petitioner : Mr.S.Vijayanand

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

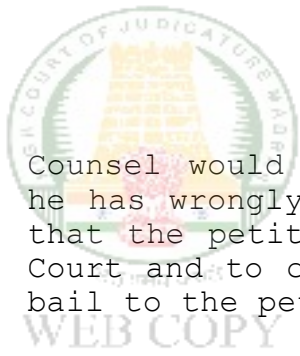
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.03.2020 for the offences under Sections 302 and 392 read with 34 IPC in S.C.No.57 of 2017 on the file of the learned III Additional District & Sessions Judge, Thiruvallur, Poonamallee, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 12.03.2020 on execution of non bailable warrant.

3. The learned Counsel for the petitioner submitted that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the Court. While so, on 06.12.2019 due to personal problem, he was unable to appear before the Court following which, the learned Judge issued non bailable warrant against the petitioner and subsequently, the petitioner was arrested on 12.03.2020 on execution of non bailable warrant and that he has been suffering incarceration for more than 20 months from 12.03.2020. The learned



Counsel would fairly admit that the petitioner is ranked as A2 and he has wrongly mentioned in the petition as A3. He further submitted that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally 3 accused in this case and the petitioner who is arrayed as A2 has been arrested on execution of non bailable warrant and already NBW is pending as against A1 and that the counsel for A3 has filed a petition under Section 317 Cr.P.C. on behalf of A3. If the petitioner is released on bail, there is possibility of the petitioner getting abscond and the trial proceedings would be stalled.

5. It is seen that the Sessions Case is of the year 2017. Since, A1 is absconding, there is no progress in the trial and that the petitioner has been in judicial custody for more than 20 months. Hence, considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned III Additional District & Sessions Judge, Thiruvallur, Poonamallee, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders except on the date of Court hearings and he shall co-operate for the trial without fail. Failing which, the bail granted to the petitioner shall stand automatically cancelled.



(e) the petitioner shall not tamper with evidence or witness during trial;

(f) the petitioner shall not abscond during trial;

(g) 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]; and;

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

-sd/-
06/01/2022

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 III ADDITIONAL DISTRICT & SESSIONS JUDGE,
THIRUVALLUR, POONAMALLEE.

2 THE INSPECTOR OF POLICE,
T2 AMBATTUR ESTATE POLICE STATION,
CHENNAI 68

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI-600 066



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.VIJAYANAND Advocate on payment of necessary charges
WEB COPY

CRL OP.25656/2021

Date :06/01/2022

JPA 07/01/2022