



CrI.O.P.No.32455 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.32455 of 2022

Stephen
S/o.Santhanraj

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Perunagar Police Station,
Kancheepuram District.
(Crime No.119 of 2015)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.119 of 2015 on the file of respondent police, pending trial in S.C.No.17 of 2022 on the file of the Hon'ble District and Sessions No.II, Kancheepuram.

For Petitioner : Mr.R.S.Mangala Kumar

For Respondent : Mrs.G.V.Kasthuri
Addl. Public Prosecutor

ORDER



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The petitioner who was arrested and remanded to judicial custody on 11.03.2022 for the offence under Section 174 Cr.P.C. and subsequently it was altered into Sec. 302 of I.P.C. on the file of respondent police in Crime No.119 of 2015, pending trial in S.C.No.17 of 2022 on the file of the learned District and Sessions Judge, District and Sessions Court No.II, Kancheepuram. seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 11.03.2022 on execution of non bailable warrant issued against him.

3. The learned counsel for the petitioner would submit that investigation was completed and final report was filed in Crime No.119 of 2015, which was numbered as P.R.C.No.2 of 2017 on the file of District Munsif cum Judicial Magistrate, Uthiramerur. While being so, he was arrested on 11.02.2022 in connection with Crime No. 103 of 2022 registered by Inspector of Police, M5 Vadavalli Police Station, Coimbatore for the offences punishable under Sec.302, 379 and 201 I.P.C. He would submit that when he was in custody in the aforesaid case, the learned Magistrate



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issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 11.03.2022. He would submit that the petitioner has been suffering incarceration for more than 9 months from 11.03.2022. He would further submit that the petitioner is ready to appear before the Court regularly and to co-operate for the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Addl. Public Prosecutor raised objection stating that from the year of 2017 onwards, the petitioner is absconding and he has not appeared before the trial court for more than 5 years and due to his absence, the trial court was not able to conduct trial. Therefore, after hectic efforts, he was secured. Therefore, 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 certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



two sureties, each for a like sum to the satisfaction of the *learned District*

Munsif cum Judicial Magistrate, Uthiramerur and on further conditions

that:

(a) 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;

(b) the petitioner shall appear regularly for each and every hearing before the trial Court without fail.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond during trial;

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

(f) 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



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as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

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

7.With the above directions, this Criminal Original Petition is ordered.

28.12.2022

rpp/skt

To

- 1.The District Munsif cum Judicial Magistrate,
Uthiramerur
- 2.The Inspector of Police,
Perunagar Police Station,
Kancheepuram District.
3. The Central Jail,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras

A.A.NAKKIRAN,J.



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