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Crl.O.P.No.32530 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM:

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

Crl.O.P.No.32530 of 2022

John Paulraj @ Johny
S/o.John Peter

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
(Crime No.585 of 2019)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending trial in S.C.No.230 of 2021 on the file of the Additional District Judge (FTC), Vellore.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on



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13.11.2020 for the offence under **Sections 294(b), 120(B), 302, 324 and 34 of I.P.C.** on the file of respondent police in Crime No.585 of 2019 pending trial in S.C.No.230 of 2021 on the file of Additional District Judge (Fast Track Court), Vellore, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 13.11.2020 on execution of non bailable warrant issued against him.

3. The learned counsel for the petitioner would submit that the petitioner was originally arrested on 13.11.2020 in Crime No.835 of 2020, on the file of Katpadi Police Station for an offences under Sec.294(b), 385, 506(i) of I.P.C. and he was remanded to judicial custody in the above case. However, now, he was arrested in this case by showing him as absconding accused and he is in custody for more than 760 days and there is no progress in the present case till date. He would further submit that the petitioner has been arrayed as accused based on the false confession of the co-accused and initially his name is not found in the FIR and the same was later included for statistical purpose. He would further more submit that the petitioner has



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been suffering incarceration for more than two years from 13.11.2020. 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 Additional Public Prosecutor raised serious objection stating that the petitioner is a History Sheeted rowdy categorized as A+ and classified as a toper of A+ category in Vellore Range and he is a notorious habitual offender of heinous crimes and there are 41 previous cases pending against the petitioner. She would further submit that the petitioner was declared as a proclaimed offender by Judicial Magistrate. Therefore, if he is released on bail, he may abscond and the trial would be stalled. Hence, she prayed for dismissal of this bail petition.

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



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

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To

- 1.The Additional District Judge
(Fast Track Court),
Vellore.
- 2.The Inspector of Police,
Vellore North L & O Police Station,
Vellore District.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras

A.A.NAKKIRAN,J.

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