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Crl.O.P.No.6956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.6956 of 2023

Ramu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thiruvennainallur Police Station
Villupuram District

(Crime No.377 of 2014)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner/Accused No.3 arrested on 06.03.2023 in
Crime No.377 of 2014 pending on the file of the respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 06.03.2023 for the offence punishable under **Section 395 IPC, in Crime No.377 of 2014** on the file of the respondent police, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 06.03.2023 pursuant to the warrant issued against him on 17.10.2022.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 in P.R.C.No.2 of 2015 on the file of the Judicial Magistrate No.2, Ulundurpet, and pending committal, the petitioner who is a agricultural coolie, due to his illness, was unable to appear before the Court on 17.10.2022 and hence, Non Bailable Warrant of arrest was issued against him and the petitioner was arrested from his house on 06.03.2023 while he was taking treatment. Though the case is of the year 2015, the petitioner had been regularly appearing before the Court and he failed to appear only on 17.10.2022 and thereby, the warrant came to be issued. He further submitted that as of now, the case has been committed to the Court of Sessions and is pending trial in S.C.No.146 of 2023 on the file of the Sub Court, Ulundurpet



and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner did not appear before the Court on 17.10.2022 and thereby, Non Bailable Warrant of arrest was issued against the petitioner and subsequently, the petitioner was arrested on 06.03.2023. He further submitted that this Court had earlier called for reports from the Superintendent of Police, Villupuram and Kallakurichi, as to the number of Sessions Cases pending before the trial Court and the number of cases which are pending for committal before the various Magistrates in the District on account of the non execution of the non bailable warrants by the police within their jurisdiction, pursuant to which, the reports have been received and he would submit that in several cases, non bailable warrants have been executed and in some of the cases the accused have surrendered and recalled the warrants.

5. The status reports filed by the Superintendent of Police, Villupuram and Superintendent of Police, Kallakurichi are perused and taken on record. The presence of the Deputy Superintendent of Police, Villupuram, is recorded.



6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

7. As far as this case is concerned, the petitioner was absconding from 17.10.2022 and he was arrested and remanded to judicial custody on 06.03.2023 pursuant to the Non Bailable Warrant of arrest issued against him on 17.10.2022. Considering the fact that now the case has been committed to the Court of Sessions in S.C.No.146 of 2023 on the file of the Sub Court, Ulundurpet, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties out of which, one surety shall be the blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Ulundurpet**, and on further conditions that:



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[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 Sub Court, Ulundurpet, on all working days at 10.30 a.m. for a period of three weeks and thereafter, on the dates fixed by the learned trial Judge. The petitioner, after coming out on bail, shall file an affidavit of undertaking before the trial Court, that he would co-operate for the speedy disposal of the trial.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Judicial Magistrate No.2, Ulundurpet

2.The Inspector of Police,
Thiruvannainallur Police Station
Villupuram District

3. The District Prison, Vedampattu, Vilupuram District

4. The Public Prosecutor,
High Court of Madras.

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