



Crl.O.P.No.7389 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2023

CORAM :

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

Crl.O.P.No.7389 of 2023

Masthan,
S/o. Usen

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Tindivanam Police Station,
Villupuram Dt.
(Crime No.414 of 2016)

.. 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.414 of 2016 on the file of respondent police.

For Petitioner : Mr.S.Anburaja

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the alleged offence under Section 5 of Explosive Substances Act, 1908 in Crime No.414 of 2016 on the file of the respondent police pending trial in S.C. No.125 of 2021 on the file of learned Principal District Judge, Villupuram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 28.12.2020 pursuant to the non-bailable warrant issued against him.

3. The learned counsel appearing for petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court. On 19.02.2021, he was unable to appear before the Court, since he was arrested in connection with another case in Crime No.590 of 2017 and subsequently, on 19.02.2021 the P.T. Warrant was issued. He would submit that he is an innocent person and he has been falsely implicated in this case. He would submit that he has not at



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all committed any offence and he is ready to abide any condition that may be imposed by this court and this is the second petition seeking for bai. He would submit that he 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 Government Advocate (Crl. Side) appearing for respondent would submit that as he was not appeared on the date of hearing i.e. on 19.02.2021, the learned Magistrate issued PT warrant and subsequently, the petitioner was arrested on 28.12.2020 on execution of PT warrant. He would further submit that totally, there are 7 accused involved in this case and there are 5 previous cases including 2 murder cases pending against the petitioner. He would submit that after securing him only, the trial is in progress and they will complete the trial within three months. Hence, if he is released on bail, there is possibility of hampering the investigation. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and on considering the period of incarceration undergone by the petitioner i.e. from 28.12.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Principal Sessions Judge, Villupuram, Villupuram District**, 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 report before the respondent police daily morning at 10.30 a.m. and evening



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at 05.30 p.m. for the period of four months and he shall also appear before the trial court for each and every hearing without fail ;

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or 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];

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

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To

1. The Principal Sessions Judge,
Villupuram, Villupuram Dt.
2. Inspector of Police,
Tindivanam Police Station,
Villupuram Dt.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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