



Crl.O.P.No.107 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.107 of 2024

Senthilkumar @ Mandai Senthil

...Petitioner/Accused-2

Vs.

State represented by
The Sub Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.295 of 2020)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in C.C.No.6 of 2021 on the file of the learned Judicial Magistrate, Palladam, Tiruppur District, on such terms and conditions.

For Petitioner : Mr.S.Senthilkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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Crl.O.P.No.107 of 2024

ORDER

The petitioner/A2 in C.C.No.6 of 2021, now pending before the learned Judicial Magistrate, Palladam, and remanded to custody on 15.05.2023 on execution of Non-bailable warrant issued on 14.09.2021, seeks bail. Originally, Crime No.295 of 2020 had been registered for the offences under Section 392 of IPC.

2.The one factor which is stressed by the learned Government Advocate (Crl. Side) for the respondent against the petitioner is that there are as many as 57 previous cases against the petitioner herein and also stated that the earlier application of the petitioner had been dismissed by the Judicial Magistrate, Palladam, by an order dated 01.09.2023.

3.The case of the prosecution is that on 19.03.2020 at around 10.00 a.m., the petitioner and the other accused had confined the defacto complainant's bike and had robbed her bag in which she kept 6 ½ sovereigns of gold jewels and a sum of Rs.98,000/-.



CrI.O.P.No.107 of 2024

WEB COPY

4.The petitioner had been however granted bail earlier but since he did not appear, a Non-bailable warrant was issued. It is the contention of the learned counsel for the petitioner that the petitioner did not know about the details of the case and was working in other district and in view of the curfew owing to Covid-19 pandemic, he could not appear before the Court.

5.Taking all the factors into consideration and the period of incarceration, I am 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 (one surety must be a blood relative of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, Tiruppur District, 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.



CrI.O.P.No.107 of 2024

WEB COPY

[b] the petitioner shall appear before the learned Judicial Magistrate, Palladam, everyday morning at 10.30 a.m., and evening at 5.30 p.m., till completion of trial, except the Court hearing dates in the similar Court.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

18.01.2024

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Crl.O.P.No.107 of 2024

To

1. The Judicial Magistrate, Palladam, Tiruppur District.
2. The Central Prison, Trichy.
3. The Sub Inspector of Police,
Palladam Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.107 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.107 of 2024

18.01.2024