

Crl.O.P.No.2263 of 2016

K.KALYANASUNDARAM, J.

The petitioner, who is the sole accused, was arrested and remanded to judicial custody on 29.12.2015 for the alleged offences punishable under Sections 366[A] and 376[1] of IPC in Crime No.873 of 2002 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner earlier arrested and granted bail. While the case was pending, he did not appear before the Court on a particular day, on account of which, Non-Bailable Warrant was issued.

3.Learned counsel appearing for the petitioner would submit that the occurrence had taken place in the year 2002 and the petitioner had been regularly appearing before the Trial Court, however, due to illness, he was not able to appear before the Trial Court and therefore, Non-Bailable Warrant was issued against him. It is further submitted that on 16.09.2015, since he was suffering from jaundice he could not appear before the Trial Court, so, second time Non-Bailable Warrant was issued against him and he was secured on 29.12.2015. It is also submitted that the petitioner is working as a lorry driver and he undertakes to appear before the Trial Court for all future hearings regularly without fail.

4.Learned Government Advocate [Criminal Side] appearing for the respondent would submit that the petitioner did not appear before the committal court from 16.10.2009 and the Non-Bailable Warrant was executed only on 16.11.2014. It is further submitted that second time the petitioner deliberately failed to appear before the Trial Court and therefore, Non-Bailable Warrant was issued on 16.09.2015 and so, he is not entitled for bail.

K.KALYANASUNDARAM, J.

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5.Considering the facts and circumstances of the case, 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 a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the learned Magalir Neethimandram [Fast Track Mahila Court], Tiruppur and on further condition that the petitioner shall report before the learned Magalir Neethimandram [Fast Track Mahila Court], Tiruppur daily at 10.30a.m. until further orders and the petitioner shall attend all the hearings, unless his absence is condoned by a petition filed under Section 317 of Cr.P.C. by giving valid reasons.

26.02.2016

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