

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18695 of 2018

in P.R.C.NO.30/2004

[ON THE FILE OF THE JUDICIAL MAGISTRATE, TIRUTTANI]

1 ELUMALAI,
2 APPUN @ SUDHAKAR,

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY ITS
INSPECTOR OF POLICE,
THIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.822 OF 2002

[RESPONDENT]

For Petitioner : M/S.M.RAJINIKANTH Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested on 24.06.2018 for the offence under Sections 147, 148, 427, 336, 506(ii) of I.P.C. r/w Section 3 of TNPPDL Act in Cr.No.822 of 2002 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners were earlier arrested and subsequently, enlarged on bail. When the case was posted for hearing they did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioners for their non appearance and they were secured on 24.06.2018.

3.The learned counsel appearing for the petitioners would submit their non appearance before the lower Court is neither willful nor wanton, inorder to eke their livelihood, they were employed in other State, due to which they were unable to appear before the lower Court. He would further submit that their counsel before the lower Court also did not inform about the hearing of the case to the petitioners. Hence, Non Bailable Warrant was issued against the petitioners.

4.The learned Additional Public Prosecutor submits that there is no previous case as against the petitioners.

5.Considering the nature of the case, I am inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruttani and on further condition 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 petitioners shall report before the learned Judicial Magistrate, Thiruttani, daily at 10.30 a.m. until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond 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]**; and;

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

-sd/-

09/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

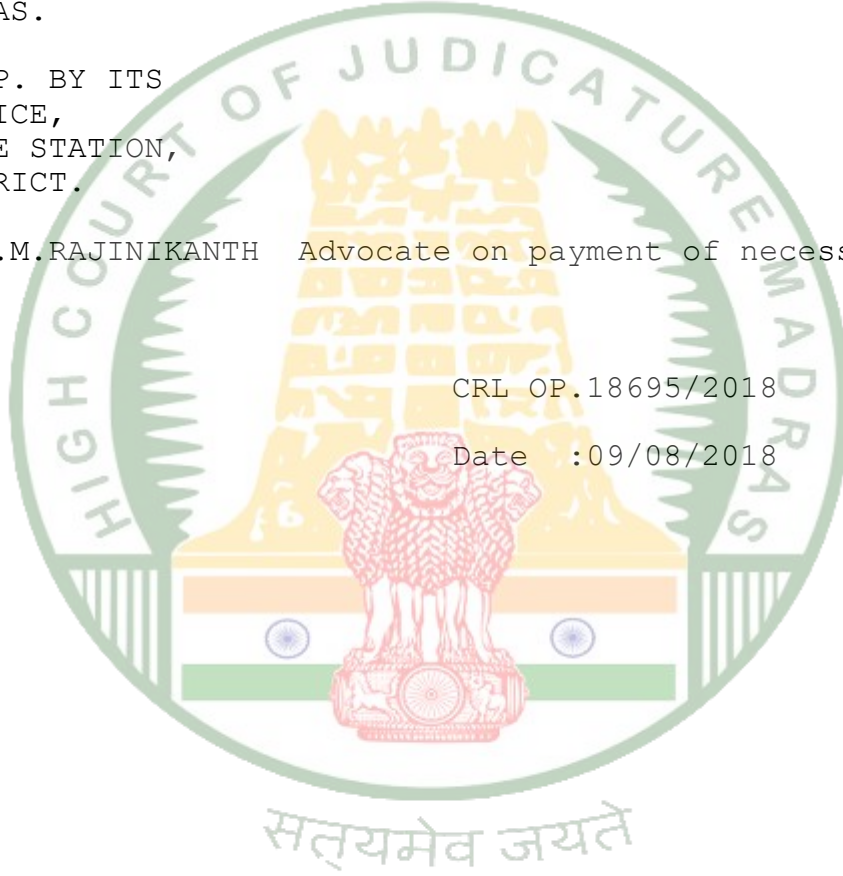
5 THE STATE REP. BY ITS
INSPECTOR OF POLICE,
THIRUTTANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.M.RAJINIKANTH Advocate on payment of necessary
charges-Sr.14727

CRL OP.18695/2018

Date :09/08/2018

ths : 09.08.2018



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