

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6900 of 2021

C.Thangamariyappan @ Thangamari

... Petitioner

Vs.

State Rep by
Inspector of Police,
Ambattur Police Station,
Chennai District.
Crime No.817 of 2015)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.400/2017 pending on the file of the learned Judicial Magistrate Court-Ambattur in Crime No.817 of 2015 on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 02.03.2021 and remanded to judicial custody for the offences under Section 341, 294(b), 323, 324, 506(ii) of IPC in Cr.No.817 of 2015 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner was implicated for the offence under under Section 341, 294(b), 323, 324, 506(ii) of IPC in Cr.No.817 of 2015 . Subsequently, the petitioner was enlarged on default bail. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner for his non appearance and he was secured on 02.03.2021.

3.The learned counsel appearing for the petitioner submits that already the petitioner was enlarged on default bail by the concerned lower Court, however, his non appearance before the lower Court is neither willful nor wanton, due to some unavoidable circumstances he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner.

4.The learned counsel appearing for the petitioner further submits that the non-appearance of the petitioner is neither willful nor wanton and only in order to eke his livelihood, he was employed in other State, due to which he was unable to appear before the lower Court.

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

5.Considering the nature of the case as also the fair submission made by the learned counsel for the petitioner and there being no previous case against the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 Court, Ambattur 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 petitioner shall report before the Judicial Magistrate, Ambattur, daily at 10.30 a.m. till the final disposal of the case;

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

(d)the petitioner 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/-

15/04/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
CHENNAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges SR.NO. 4751

CRL OP.6900/2021

Date :15/04/2021

rvr 16/04/2021

WEB COPY