



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8519 of 2021

Dhanapal

... Petitioner

Vs.

State represented by
Inspector of Police,
Velagoundanpatty Police Station,
Namakkal District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.546 of 2009 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

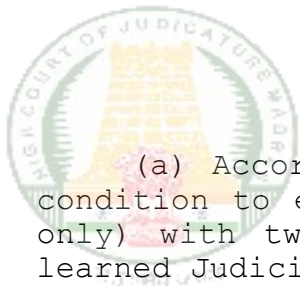
(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is shown as the sole accused in PRC.No.8 of 2015 on the file of the Judicial Magistrate-I, Namakkal. Non Bailable Warrant was issued on 25.04.2018 and executed on 05.02.2021. The petitioner is in custody for more than 85 days.

3. The learned counsel for the petitioner would state that the occurrence said to have taken place way back in the year 2009. It appears that summons were sent through post. The petitioner would assert that he was never absconding. Also, he gives undertaking that he will co-operate for the speedy disposal of the committal proceedings.

4. In view of the undertaking given by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



(a) 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 for a like sum to the satisfaction of the learned Judicial Magistrate-I, Namakkal, and on further conditions that:

WEB COPY (b) 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;

(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.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/05/2021

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-I,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELAGOUNDANPATTY POLICE STATION,
NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No. 5772

CRL OP.8519/2021

Date :05/05/2021

MN-06/05/2021