

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8797 of 2021

Ramesh

.. Petitioner

Vs.

The State :

Rep. by Inspector of Police  
Sembanarkoil P.S.  
Nagapattinam.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in the above case in Crime No.227 of 2013 (PRC.No.1 of 2020) on the file of the respondent police.

For Petitioner : Mr.M.Murali

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

**ORDER**

(The case has been heard through video conference)

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to judicial custody on 01.04.2021 for the alleged offences under Sections 294(b) and 336 IPC r/w Section 3(1) of the Tamil Nadu Property (Prevention of Damage & Loss) Act in Crime No.227 of 2013. He seeks bail.

3. The petitioner was originally granted bail. It appears that since he got job overseas, he did not appear before the Court leading to issuance of a Non-Bailable warrant. The petitioner, through his counsel, gives an undertaking that in future he will attend all the hearings either in person or through counsel. If the undertaking given by the petitioner is breached, the benefit of the order will stand recalled.

4. Recording the undertaking given by the petitioner, bail is granted 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 District Munsif cum Judicial Magistrate, Tharangambadi and on further conditions that:

(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.

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

-sd/-

06/05/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
THARAMGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
SEMBANARKOIL POLICE STATION,  
NAGAPATTINAM.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, NAGAPATTINAM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.M.MURALI  
SR.NO. 6026

Advocate on payment of necessary charges

CRL OP.8797/2021

Date :06/05/2021

MN-07/05/2021

सत्यमेव जयते

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