



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15274 of 2021

V.Sankar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Poolampatty Police Station,
Salem District.
(Crime No.252 of 2016)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in P.R.C.No.8 of 2020 pending trial before the District Munsif - Cum - Judicial Magistrate Court, Edappady.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded on 10.08.2021 and facing trial in P.R.C.No.8 of 2020 before the District Munsif - Cum - Judicial Magistrate Court, Edappady for the offence under Sections 147, 148, 448, 294(b), 323, 324, 506(ii), 307, 436 of I.P.C. and Section 3 of Public Property (Prevent of Damage and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seeks bail.

2.It is the case of the prosecution that the petitioner was implicated for the offence under Sections 147, 148, 448, 294(b), 323, 324, 506(ii), 307, 436 of I.P.C. and Section 3 of Public Property (Prevent of Damage and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. 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 10.08.2021.



3.The learned counsel appearing for the petitioner would submit that the non appearance of the petitioner before the lower Court is neither willful nor wanton, since he had no knowledge of the case, due to which he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that there is no previous case as against the petitioner.

5.Considering the period of incarceration undergone by 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 District Munsif - Cum - Judicial Magistrate Court, Edappady 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 learned District Munsif - Cum - Judicial Magistrate, Edappady, daily at 10.30 a.m. until further orders;

(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 petitioners 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/-
25/08/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. R.PARTHIBAN Advocate on payment of necessary charges SR.NOs.9103 & 9201

CRL OP.15274/2021

Date :25/08/2021

CSK 26/08/2021