



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15888 of 2021

Nagaraj

... Petitioner

Vs.

The Inspector of Police,
Attur Police Station,
Attur, Salem District.
(Crime No.583 of 2002)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in S.C.No.94 of 2006 on the file of the learned District Principal Sessions Judge, Salem in Crime No.583 of 2002 on the file of the respondent police.

For Petitioner : Mr.S. Jayaseelan

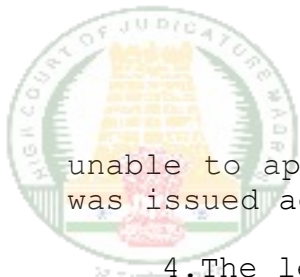
For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 10.08.2021 and remanded to judicial custody for the offences under Sections 147,148,332,307 of I.P.C and Section 3 (1) of TNPPDL Act 1992 in S.C.No.94 of 2006 on the file of the learned Principal Sessions Judge Salem in Crime No.583 of 2002 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 Sections 147,148,332,307 of I.P.C and Section 3 (1) of TNPPDL Act 1992, in Crime No.583 of 2002. Subsequently, the petitioner was enlarged on 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 10.08.2021.

3.The learned counsel appearing for the petitioner submits that already the petitioner was enlarged on 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 Government Advocate (Crl.Side) submitted that there is one previous case pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the nature of the case as also the fair submission made by the learned counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is 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, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Salem, 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 respondent police 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 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/-

03/09/2021

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 PRINCIPAL SESSIONS JUDGE
SALEM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.JAYASEELAN Advocate on payment of necessary
charges SR.No.9529

CRL OP.15888/2021

Date :03/09/2021

APN 06/09/2021