



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16773 of 2021

V.Thangaraj

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.

...Respondent

(*) (Crime No.266 of 2013)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in the event of his arrest in **(*)Crime No.266 of 2013** in PRC.No.17/2013 before the Hon'ble Judicial Magistrate Court, Tiruttani issued Non Bailable Warrant issued against the petitioner on 19.08.2021 pending investigation on the respondent police.

For Petitioner : Mr.S.Paul Gnanamuthu

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

ORDER

The petitioner who was arrested on 19.08.2021 and remanded to judicial custody for the offences under Sections 147, 148, 188, 341 149 of IPC and Section 3(1) of TNPPDL Act, in P.R.C.No.17 of 2013 on the file of the Judicial Magistrate, Tiruttani in **(*)Crime No.266 of 2013** 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, 188, 341 149 of IPC and Section 3(1) of TNPPDL Act , in **(*)Crime No.266 of 2013** . 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 19.08.2021.



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 Judicial Magistrate Court, Tiruttani, 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 trial Court 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.

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-sd/-
13/09/2021

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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 27/09/2021 MADE IN CRL.MP.No.9730 OF 2021 in CrI.O.P.No.16773 of 2021

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUTTANI.

+1 CC to M/S. S.PAULGNANAMUTHU Advocate on payment of necessary charges SR.NO.10612

CRL OP.16773/2021

Date :13/09/2021

TA-14/09/2021

JPA 01/10/2021