



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17123 of 2021

SenthilKumar

... Petitioner

Vs.

The State by,
The Inspector of Police,
Mayiladuthurai Police Station,
(Crime No.164 of 2017)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in respect of S.C. No.48 of 2018 on the file of the (Fast Track Mahila Court), Nagapattinam pending investigation.

For Petitioner : Mr.K.A. S. Prabhu

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

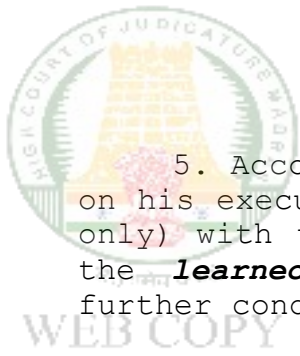
ORDER

The petitioner who was arrested on 09.08.2021 and remanded to judicial custody for the offences under Section 302 of IPC, in Crime No.164 of 2017 in S.C. No.48 of 2018 on the file of the Fast Track Mahila Court, Nagapattinam seeks bail.

2. The learned counsel for the petitioner submitted that due to non-appearance of the petitioner before the trial Court, NBW was issued and the same was executed on 04.08.2021. He further submitted that the petitioner is ready to co-operate with the trial and to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) would submit due to the non appearance of the petitioner before the Trial Court, non bailable warrant has been issued against the petitioner on 04.08.2021. Hence he opposed for grant of bail to the petitioner.

4. Considering the fact that the period of incarceration suffered by the petitioner and the petitioner is ready to co-operate with the trial, this Court is inclined to grant bail to the petitioner with certain conditions:



5. 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 Judicial Magistrate Court-I, Mayiladuthurai**, 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 on all hearing dates without fail.

(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/-
17/09/2021

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 FAST TRACK MAHILA COURT,
NAGAPATTINAM.

2 THE JUDICIAL MAGISTRATE COURT-I,
MAYILADUTHURAI.

3 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
MAYILADUTHURAI DISTRICT.

6 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

+1 CC to M/S.K.A.S.PRABHU Advocate on payment of necessary
charges SR.NO.10193

CRL OP.17123/2021

Date :17/09/2021

TA-20/09/2021