



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.2927 of 2022

Kanagu @ Kanagaraj

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
(Crime No.414 of 2016)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in S.C.No.125 of 2021 on the file of the learned the Judicial Magistrate No.I, Tindivanam.

For Petitioner : Mr.M.Machavatharan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner/A7, who was arrested and remanded to judicial custody on 23.09.2020 for the offences punishable under Sections 5 of Explosive Substance Act 1908 in Crime No.414 of 2016, on the file of the respondent police, seeks bail.

2.The petitioner herein who is facing trial along with 6 others for the offence under section 5 of Explosive Substance Act, 1908 did not attend the court and hence, NBW was issued against him for non appearance and the same was executed on 23.09.2020 and since then, he is in the judicial custody. The bail petition filed before the trial court got dismissed on the ground that due to non appearance of the petitioner herein, the trial of the case pending since 2016 and that if the petitioner is released on bail, he will not appear for future hearing and may repeat the same to protract the proceedings.



3. Learned counsel for the petitioner would submit that the petitioner herein after bail, will regularly attend and if any breach, the bail may be cancelled.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that there are few more accused against whom NBW issued was pending and that in respect of securing this petitioner, there is no progress in the trial.

5. Taking into consideration the liberty of the petitioner and the difficulty faced by the prosecution this Court is inclined to grant bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tindivanam.

(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 is directed to appear before the respondent police twice a month i.e., 01st and 15th of every month until further orders and shall attend the court on every hearing without any fail.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
TINDIVANAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MACHAVATHARAN Advocate on payment of necessary
charges SR.NO. 3182

CRL OP.2927/2022

Date :02/03/2022

RW 03/03/2022