



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4021 of 2022

Prabakaran

... Petitioner

versus

The State rep. by its
Station House Officer,
All Women Police Station,
Vridhachalam
(Crime No.7 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 C.C.No.129 of 2016 on the file of the learned Judicial Magistrate, Thittakudi.

For Petitioner : Mr.R.Premanandhan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 27.01.2022 for the offences punishable under Sections 498-A, 294(b), 323, 324, 506(i) of IPC and Section 4 of TNWHP Act, subsequently altered into 498-A, 294(b), 506(i) of IPC and Section 4 of TNWHP Act in C.C.No.129 of 2016 on the file of the Judicial Magistrate, Thittakudi (Crime No.7 of 2016 on the file of the respondent police), seeks bail.

2. The petitioner is arrayed as accused in C.C.No.129 of 2016 on the file of the learned Judicial Magistrate, Tittakudi. In the above referred case, the charges under Sections 498-A, 294(b), 506(i) of IPC and Section 4 of TNWHP Act has framed against this petitioner and later, the same was posted for trial. In the meanwhile when the case was posted for the appearance of the petitioner, he has not appeared on a particular day and ultimately the learned trial Judge issued NBW. After issuing NBW on 28.10.2021 the petitioner voluntarily



appeared before the said court and filed an application under Section 70(2) of Cr.P.C., wherein he prayed to recall the NBW issued on 28.10.2021. The learned Principal District and Sessions Judge, while at the time of deciding the application filed by the petitioner the learned Principal District and Sessions Judge has not satisfied with the reason stated in the petition and ultimately after dismissing the said application remanded the petitioner to the judicial custody. Hence, the petitioner is before this court filed the present petition for granting bail.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to illness, the petitioner was unable to appear before the Trial court. In otherwise, the petitioner is not having any intention to evade from the clutches of law. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that trial is pending from the year 2016 onwards, in otherwise, she fairly concedes that the petitioner voluntarily surrendered before the trial court.

5. The submissions made by the learned counsel appearing on either side are considered.

6. Though the petitioner is arrayed as accused for the offence punishable under Sections 498-A, 294(b), 506(i) of IPC and Section 4 of TNWHP Act, while at the time he was surrendering before the trial court for recalling the NBW, he was remanded to judicial custody. The said attitude committed by the petitioner does not show the prima facie case that he has attempted to evade from the clutches of law. Further, except the single incident, the learned Additional Public Prosecutor appearing for the respondent police did not say as the petitioner is not regular in attending the proceedings.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. 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, Thittakudi.

(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 learned Judicial Magistrate, Thittakudi daily at 10.00 a.m. until further orders;

(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/-

18/02/2022

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,
THITTAKUDI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHACHALAM.

4 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM .

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.PREMANANDHAN Advocate on payment of necessary charges SR.NO.2569

CRL OP.4021/2022

Date :18/02/2022

RW 21/02/2022