



Crl.OP.No.15705 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.15705 of 2022

Adhiyaman

..Petitioner/A17

Vs.

The State rep. by
Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District
crime No.507 of 2017

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.118 of 2019 pending on the file of the learned Additional District Judge, Mayiladuthurai in respect of crime No.507 of 2017 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.06.2022 on execution of Non-Bailable Warrant issued by



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the learned Additional District Judge, Mayiladuthurai for the offence under Sections 147, 148, 294(b), 324, 326, 506(II), 307 of IPC and r/w Section 3 (1) TNPPDL Act in respect of crime No.507 of 2017 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as A17 in crime No.507 of 2017 under Sections 147, 148, 294(b), 324, 326, 506(II), 307 of IPC r/w Section 3 (1) TNPPDL Act and after filing charge sheet, the same was pending before the learned Additional District Judge, Mayiladuthurai. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 04.05.2022. Thereafter, the petitioner was arrested and remanded to judicial custody on 07.06.2022.

3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and



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seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that on NBW issued on 04.05.2022, the petitioner was arrested on 07.06.2022. He would further submit that the case is pending for trial from the year 2019. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.507 of 2017. After completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.118 of 2019 pending on the file of the learned Additional District Judge, Mayiladuthurai. However, the petitioner was absent before the trial court on 04.05.2022. As such, Nonailable Warrant was issued against him and the respondent executed NBW on 07.06.2022 and he was remanded to judicial custody.

6.Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is



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inclined to grant bail to the petitioner. 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, Sirkazhi and on further conditions 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 trial Court viz., Additional District Court, Mayiladuthurai daily at 10.30 a.m and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.07.2022

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To

- 1.The learned Additional District Judge,
Mayiladuthurai
- 2.The learned Judicial Magistrate,
Sirkazhi
- 3.Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District
- 4.Nagapattinam District Jail
- 5.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.
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