



CrI.OP.No.16311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

CORAM

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

CrI.OP.No.16311 of 2022

N.Tamilselvan

....Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kamanaiyakam Police Station,
Tiruppur District.
Crime No.272 of 2017

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.103 of 2022 on the file of the Hon'ble Subordinate Court at Palladam.

For Petitioner : Mr.R.Karthik

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



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ORDER

The petitioner was arrested on 20.04.2022, on execution of Non-Bailable Warrant issued by the learned Subordinate Court at Palladam for the offence under Sections 394 @ 395 and 397 of I.P.C pending trial in S.C.No.103 of 2022 in respect of crime No.272 of 2017 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner has been arrayed as an accused in Crime No.272 of 2017 for the offence under Sections 394 @ 395 and 397 of I.P.C and after filing charge sheet, the same was pending before the learned Subordinate Court, Palladam. Thereafter, the matter is pending for committal in P.R.C.No.18 of 2017, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 22.02.2019. Thereafter, the petitioner was arrested on 20.04.2022.

3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither



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wilful nor wanton. When the matter is pending for committal in P.R.C.No.18 of 2017, the petitioner was not served any summons and as such the petitioner was not aware of the filing of the charge sheet. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit the lower Court has issued Non-Bailable Warrant against the petitioner on 22.02.2019. Thereafter, the petitioner was arrested on 20.04.2022. He would further submit that the case is pending for trial from the year 2017. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.272 of 2017. After completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.103 of 2022 pending on the file of the learned Subordinate Court, Palladam. However, the petitioner was absent before the trial court. As such, Non Bailable



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Warrant was issued against him and the same was executed and they were 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 inclined to grant bail to the petitioner.

7. Accordingly, the petitioner are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood sureties**, each for a like sum to the satisfaction of the **learned Subordinate Court at Palladam** 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., learned Subordinate Court at Palladam twice daily at 10.30 a.m and 05.30 p.m. until further orders;



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[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]**.

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

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G.K.ILANTHIRAIYAN, J.

Sma

To

1. Subordinate Court at Palladam.
- 2 .The Inspector of Police,
Kamanaiyakam Police Station,
Tiruppur District.
3. District Prison,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras

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