



CrI.OP.No.16427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

CrI.OP.No.16427 of 2022

Sadasivam

..Petitioner/A3

Vs.

State by
Inspector of Police,
Deevattipatty Police Station,
Salem District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC No.277 of 2016 on the file of III Additional District Judge, Salem.

For Petitioner : Mr.P.Saravana Sowmiyan

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

ORDER

The petitioner/A3 who was arrested and remanded to judicial custody on 16.03.2022 on execution of Non-Bailable Warrant issued by the learned III Additional District Judge, Salem for the offence under



CrI.OP.No.16427 of 2022

Sections 120(B), 449 read with 149, 396 and 404 read with 149 of IPC in S.C.No.277 of 2016, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner regularly appeared on all hearings before the Trial Court and due to wrong noting of hearing date, he did not appear on 14.03.2022. Immediately after coming to know about the NBW, the petitioner voluntarily surrendered for recall of the NBW. He further submitted that the counsel in the Bail petition instead of mentioning the real facts has commonly mentioned illness for all the accused. In fact, the petitioner did not appear on 14.03.2022 as he was under bona fide impression that the hearing was on some other date. Hence, the absence of the petitioner is neither wilful nor wanton and he prays for grant of bail to the petitioner.

3. Totally there are 5 accused, in which the petitioner is arrayed as A3. He was absent before the trial Court on 14.03.2022 and NBW was issued. Immediately, he filed a petition for recall of NBW on



CrI.OP.No.16427 of 2022

16.03.2022. However, the same was dismissed and the petitioner was remanded to judicial custody.

4. Considering the above facts and circumstances of the case, this Court is 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 District Munsif cum Judicial Magistrate, Omalur** 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 the trial Court twice daily at 10.30 a.m. and 5.30 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



CrI.OP.No.16427 of 2022

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.

15.07.2022

mpl



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CrI.OP.No.16427 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The District Munsif cum Judicial Magistrate,
Omalur.
- 2.The Inspector of Police,
Deevattipatty Police Station,
Salem District.
- 3.Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.16427 of 2022

15.07.2022