



Crl.OP.No.16652 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

Crl.OP.No.16652 of 2022

Sakthivel

....Petitioner

Vs.

The State rep. by
The Inspector of Police,
Shevapet Police Station,
Salem District.
Crime No.126 of 2014

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the case pending trial in C.C.No.20 of 2014 on the file of the Judicial Magistrate, Additional Mahila Court, Salem in Crime No.126 of 2014 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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



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ORDER

The petitioner was arrested on 25.05.2022, on execution of Non-Bailable Warrant issued by the learned **Judicial Magistrate, Additional Mahila Court, Salem** for the offence under Sections **294(b), 323 IPC and Section 4 of Women Harassment Act** pending trial in **C.C.No.20 of 2014** in respect of **crime No.126 of 2014** on the file of the respondent police, seeks bail.

2. It is the case of the prosecution is that the petitioner has been arrayed as an accused in Crime No.126 of 2014 under Sections **294(b), 323 IPC and Section 4 of Women Harassment Act** and after filing charge sheet, the same was pending before the learned **Judicial Magistrate, Additional Mahila Court, Salem**. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner in the year 2014. Subsequently, the petitioner was arrested by Pochampalli Police in a case registered under Section 302 of IPC, in which, he was arrested and remanded to Judicial Custody. Thereafter, he was produced under PT



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warrant and remanded judicial custody.

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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 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 in the year 2014. Thereafter, the petitioner was arrested on 25.05.2022. He would further submit that the case is pending for trial from the year 2014. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.126 of 2014. After completion of investigation, the respondent filed final report and the same has been taken cognizance in C.C.No.20 of 2014 pending on the file of the learned **Judicial Magistrate, Additional**



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Mahila Court, Salem. However, the petitioner was absent before the trial court. As such, Non Bailable 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 is ordered to be released on bail on their 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, Additional Mahila Court, Salem** 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 Judicial Magistrate, Additional Mahila Court, Salem** twice



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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]**.

[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. Judicial Magistrate,
Additional Mahila Court, Salem.
- 2 .The Inspector of Police,
Shevapet Police Station,
Salem District.
3. Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

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