



CrI.OP.No.17753 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2022

CORAM

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

CrI.OP.No.17753 of 2022

N.Tamilselvan

...Petitioner

Vs.

State by,
Inspector of Police,
Palladam Police Station,
Tiruppur District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on Bail in C.C.No.220 of 2017 on the file of the Hon'ble Judicial Magistrate, Palladam.

For Petitioner : Mr.R.Karthik
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 22.04.2022 on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate, Palladam for the offence under Sections 34 and 394 of IPC in C.C.No.220 of 2017, seeks bail.



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2.It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly on 13.09.2021. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner got absconded and then, he was arrested and remanded to the judicial custody on 22.04.2022.

3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither 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 that this is a case of jumped out bail. The petitioner herein is the 2nd accused in C.C.No.220 of 2017. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant against the petitioner and the petitioner was secured only on 22.04.2022. He



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further submitted that there are 8 previous cases pending against the petitioner. Hence, he vehemently objected for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 22.04.2022, this Court is inclined to grant bail to the petitioner.

6. 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 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 twice daily at 10.30 a.m and 5.30 p.m. for a period of four weeks and thereafter, on all further hearing dates.

[c] the petitioner shall not abscond either during investigation



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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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

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

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