



Crl.OP.No.19008 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

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Elaiyaraja @ Vellaiyan

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Cr.No.170/2012)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the order of nonailable warrant issued on 4/12/2019 in S.C.No.80 of 2019 pending trial on file of the II Additional District Court, Salem in Crime No.170 of 2022 on the file of Gangavalli Police Station, Salem District.

For Petitioner	: Mr.T.Ganesan
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.03.2022 on execution of Non-Bailable Warrant issued by



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the II Additional District Court, Salem for the offence under Sections **294(b), 307, 355, 506(2), 109 of IPC and Section 3(1) of TN Public Property (Prevention of Damages & Loss) Act** in S.C.No.80 of 2019 in respect of crime No.170 of 2012 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that due to ill-health, the petitioner was not able to appear before the lower Court. Thereafter due to pandemic he was unable to attend the Court and recall the warrant. No summons were served on the petitioner. He would further 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.

3. The petitioner was originally granted bail and thereafter, he failed to appear before the trial Court on 04.03.2019. Therefore, the trial Court issued Non-bailable Warrant and on execution of Non-Bailable Warrant, the petitioner was arrested and remanded to judicial custody on



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09.03.2022.

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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 Judicial Magistrate No.II, Attur** 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 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.**



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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.

mpl

To

1. The Judicial Magistrate No.II, Attur.

2.The Inspector of Police,
Gangavalli Police Station,
Salem District.

3. Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras

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