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Crl.OP.No.19175 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19175 of 2022

Senguttuvan

...Petitioner

Vs.

State rep. by,
Inspector of Police,
Poompugar Police Station,
Mayiladuthurai District.
(Crime No.20/2018)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in SC No.107 of 2019 on the file
of the Addl. District Court, Mayiladuthurai.

For Petitioner : Mr.C.T.Saravanan

For Respondent: Mr.A.Gopinath,

Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 28.07.2022 on execution of Non-Bailable Warrant issued by
the Additional District Court, Mayiladuthurai for the offence under



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Sections 294(b), 386, 506(ii) of IPC and Section 3(1) of TNPPDL Act

in S.C.No.107 of 2019 in respect of crime No.20 of 2018 on the file of the respondent police, seeks bail.

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 07.06.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner got absconded and thereafter, he was arrested and remanded to the judicial custody on 28.07.2022.

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 Government Advocate (Crl.side) appearing for



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the respondent would submit that this is a case of jumped out bail. The petitioner herein is the 2nd accused in S.C.No.107 of 2019. 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 28.07.2022 and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., on 28.07.2022, 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 **Additional District Court, Mayiladuthurai** 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.



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[b] the petitioner shall report before the trial Court daily at 10.30 a.m. for a period of four weeks and thereafter on all further hearing dates.

[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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The Additional District Court, Mayiladuthurai.

2. The Inspector of Police,
Poompugar Police Station,
Mayiladuthurai District.

3. Sub-Jail, Poraiyar.

4. The Public Prosecutor,
High Court of Madras

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