



CrI.OP.No.19620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

CrI.OP.No.19620 of 2022

Tamilselvan

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
(Crime No.398 of 2017)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in S.C.No.85 of 2019 on the file
of the Additional District Court, Mayiladuthurai.

For Petitioner :Mr.C.T. Saravanan

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner was arrested on 22.07.2022, on execution of Non-Bailable Warrant issued by the learned Additional District Judge, Mayiladuthurai for the offence under Sections **3(1) of TNPPDL Act** pending trial in S.C.No.85 of 2019 in respect of crime No.398 of 2017 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.398 of 2017 under Sections **3(1) of TNPPDL Act** and after filing charge sheet, the same was pending before the learned Additional District Judge, Mayiladuthurai. Thereafter, the petitioner did not appear before the lower Court on 08.07.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on the same day. Thereafter, the petitioner was arrested on 22.07.2022.



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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 appearing for the respondent would submit that the lower Court has issued Non-Bailable Warrant against the petitioner on 08.07.2022. Thereafter, the petitioner was arrested on 22.07.2022. He would further submit that the case is pending for trial from the year 2017. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.398 of 2017. After completion of investigation, the respondent filed final report and the same has been taken cognizance in S.C.No.85 of 2019 pending on the file of the learned Additional District Judge, Mayiladuthurai. However, the petitioner was absent before the trial court.



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As such, Non Bailable Warrant was issued against him and the same was executed and he was remanded to judicial custody on 22.07.2022.

6.Considering the above facts and circumstances of the case and also considering the period of incarceration undergone 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 his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned Additional District Judge, 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.

[b] the petitioner shall report before the learned Additional District Judge, Mayiladuthurai twice daily at 10.30 a.m. and 5.30 p.m., until further orders.



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[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. Additional District Judge,
Mayiladuthurai.
2. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
3. Sub-Jail,
Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras

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