



Crl.O.P.No.21777 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21777 of 2022

Loganathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.190 of 2021 on the file of
the Additional District Court, Mayiladuthurai.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2022 for the offences punishable under Section 448 of IPC and Section 3(1) of TNPPDL Act, in Crime No.333 of 2013 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused entered into defacto complainant house and there was a wordy quarrel with him and also attempted to damage the house hold articles. Based on the complaint, a case was registered and the final report has been filed and the case has been taken on file in S.C.No.190 of 2021 on the file of the learned Additional District Judge, Mayiladuthurai. He would also submit that the petitioner was arrested pursuant to a nonailable warrant issued due to the absence of the petitioner for hearing on 31.03.2022. Hence, the present application for grant of bail is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused facing trial in S.C.No.190 of 2021 on the file



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of the learned Additional District Judge, Mayiladuthurai for the offences punishable under Section 448 of IPC and Section 3(1) of TNPPDL Act. He would also submit that the petitioner was regularly appearing before the Court and on 31.03.2022, the petitioner was unable to appear before the Court due to his ill health and thereby, the trial Court had issued a non bailable warrant against the petitioner. He would further submit that meanwhile, the respondent have executed the warrant and arrested the petitioner and the petitioner was remanded to judicial custody on 02.08.2022. He would further submit that the petitioner undertakes that he will regularly appear before the Court and he will also cooperate for the speedy disposal of the trial. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that since, the petitioner did not appear before the trial Court for hearing on 31.03.2022, the Court had issued a non bailable warrant and the petitioner was arrested pursuant to the same on 02.08.2022. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, out of which, one surety should be a blood related surety, 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 trial Court on all working days without fail at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.09.2022

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To

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

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A.D.JAGADISH CHANDIRA., J.

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