



WEB COPY



Crl.O.P.No.23234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.23234 of 2022

Sundararlingam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai.
Crime No.1214 of 2006.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.333 of 2017 on the file of
the Hon'ble Mahila Sessions Judge, Allikulam, Chennai, in Crime No.1214
of 2006 on the file of the Inspector of Police, P6, Kodungaiyur Police
Station, Chennai.

For Petitioner : Mr.D.Sam Nandhakumar

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



Crl.O.P.No.23234 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2022 pursuant to a non bailable warrant of arrest dated 31.05.2018 for the offences punishable under Sections 498(A) and 304(B) of IPC, in Crime No.1214 of 2006 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a sole accused in S.C.No.333 of 2017 pending trial on the file of the learned Mahila Sessions Judge, Allikulam, Chennai. He would also submit that the petitioner is suffering from throat cancer and he is taking treatment for the same and thereby, due to his illness, he was unable to appear before the Court on 31.05.2018 and the trial Court had issued a non bailable warrant of arrest against him. Subsequently, due to Covid situation, the petitioner was unable to surrender and recall the warrant. Whereas, the petitioner was arrested on 26.05.2022 and he is in custody for the past four months. He would further submit that the trial is yet to be commenced and the case now stands posted to 06.10.2022 for examination of L.W.1 to 3. He would also reiterate that the petitioner is prepared to furnish sureties and file



Crl.O.P.No.23234 of 2022

an affidavit of undertaking to cooperate for the speedy disposal of the trial.

Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the Crime number is of the year 2006 and the Sessions case is of the year 2017. He would also submit that the petitioner has not appeared before the Court on 31.05.2018 resulting in the Court issuing non bailable warrant of arrest and with great difficulty, the petitioner was arrested and remanded to Judicial Custody on 26.05.2022. He would further submit that the case now stands posted to 06.10.2022 for examination of L.W.1 to L.W.3. Therefore, he vehemently opposed to grant bail to the petitioner.

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

5. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also the fact that the petitioner is suffering from throat cancer and he is taking treatment for the same, this



Crl.O.P.No.23234 of 2022

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.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 Mahila Sessions Judge, Allikulam, Chennai**, 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 at 10.30 a.m., without fail, until further orders;

[c] the petitioner shall also file an affidavit of undertaking on the next hearing date that he will cooperate for the speedy disposal of the case;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during trial;



Crl.O.P.No.23234 of 2022

[f] 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]**;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.09.2022

rgi

To

1. The Mahila Sessions Judge, Allikulam, Chennai.
2. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23234 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23234 of 2022

26.09.2022