



Crl.O.P.No.23501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

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

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P.Sivarajan @ Sivaraj

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Manalmedu Police Station,
Manalmedu.

Crime No.521 of 2009

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.521 of
2009 on the file of the respondent police.

For Petitioner : Mr.S.Santosh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.08.2022 pursuant to a non bailable warrant of arrest dated 21.04.2022
issued by the learned Additional District Judge, Mayiladuthurai, seeks bail.

2. The learned counsel appearing for the petitioner would submit



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that the petitioner, who is arrayed as A2, is facing trial in S.C.No.208 of 2010 on the file of the learned Additional District Judge, Mayiladuthurai for the offences punishable under Sections 147, 148, 302, 201, 120(b) & 109 of IPC. He would also submit that the petitioner has been regularly appearing before the trial Court on all hearing dates. Meanwhile, A1 and A4 have passed away and the case is going on. While so, only on 21.04.2022, the petitioner was unable to appear before the Court due to his illness and the trial Judge had issued non bailable warrant of arrest as against him, pursuant to which, the petitioner was arrested on 06.08.2022. He would further submit that the co-accused/A6 in this case is also absconding and that on the wrong instructions given by his counsel, the petitioner was unable to surrender and recall the non bailable warrant of arrest. He would also submit that the petitioner undertakes to abide by any stringent conditions that may be imposed by this Court and he is also ready to file an affidavit of undertaking before the trial Court that he will appear before the trial Court on all hearing dates and 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



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respondent would submit that the petitioner is an accused facing trial in S.C.No.208 of 2010 on the file of the learned Additional District Judge, Mayiladuthurai. He would also submit that the petitioner did not appear on 21.04.2022 and the trial Court has issued a non bailable warrant of arrest on 06.08.2022. 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 fact that the petitioner had undertaken to appear before the trial Court on all hearing dates and cooperate for the speedy disposal of the trial, this 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**



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Judicial Magistrate I, 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 appear before the trial Court on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the trial Court, without fail;

[c] the petitioner shall also file an affidavit of undertaking before the trial Court on the next hearing date that he will appear before the trial Court on all hearing dates and cooperate for the speedy disposal of the trial;

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

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

[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



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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.

27.09.2022

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To

1. The Judicial Magistrate I, Mayiladuthurai.
2. The Sub-Inspector of Police,
Manalmedu Police Station,
Manalmedu.
3. The Superintendent,
District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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