



Crl.O.P.No.27206 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tindivanam Police Station,
Villupuram District.

(Crime No.414/2016).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in respect of S.C.No.125 of 2021 on
the file of the learned Principal Sessions Judge, Villupuram District.

For Petitioner : Mr.S.Anburaja

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



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ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioner, who was surrendered on 10.10.2022 and remanded to judicial custody on the same day, on bail in S.C.No.125 of 2021 on the file of the learned Principal District Judge, Villupuram in Crime No.414 of 2016 registered for the offence punishable under Section 5 of Explosive Substances Act, on the file of the respondent Police.

2. The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in S.C.No.125 of 2021 for the alleged offence under Section 5 of Explosive Substances Act, pending on the file of the learned Principal District Judge, Villupuram. He would further submit that since, the petitioner did not appear before the Court on 20.04.2022, a Non Bailable Warrant was issued against him and pursuant to the same, the petitioner voluntarily surrendered on 10.10.2022. He would further submit that the petitioner has been all along regularly appearing before the Court from the year of 2021 and since, the petitioner was arrested in an another case in connection with Crime No.854 of 2017, he was unable to appear



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before the Court on 20.04.2022 and the petition filed by the petitioner to recall the non-bailable warrant was also dismissed. He would also reiterate that the petitioner has been all along regularly appearing before the court and he is prepared to comply with any stringent condition that may be imposed by this Court and is ready to co-operate for 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 petitioner has failed to appear before the Court on 20.04.2022 and therefore, the Court has issued a NBW against him and the petitioner has been surrendered before the Court on 10.10.2022 and he has also been remanded on the same day. He would also submit that the case now stands posted on 18.11.2022. Hence, he oppose to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and also considering the fact that the petitioner except on 20.04.2022, he has been regularly appearing before the court, this Court is inclined to grant bail to the petitioner with certain conditions.

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 and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Principal Sessions Judge, Villupuram** 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 respondent Police, everyday at 10.30 a.m., for a period of four weeks, and thereafter, on the dates fixed by the learned trial Judge concerned;



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[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

09.11.2022

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To

1. The Principal Sessions Judge,
Villupuram.
2. The Inspector of Police,
Tindivanam Police Station,
Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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