



Crl.O.P.No.28092 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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

Crl.O.P.No.28092 of 2022

1. Sakthivel

2. Krishnamoorthy

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.
(Crime No.288 of 2009)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the S.C.No.13 of
2017 pending trial before in Additional District Court, Mayiladuthurai.

For Petitioners : Mr.C.T.Saravanan

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



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioners herein on bail in S.C.No.13 of 2017, on the file of the learned Additional District Judge, Mayiladuthurai, in connection with the Crime No.288 of 2009, on the file of the respondent Police.

2. The learned counsel for the petitioners submitted that the petitioners, who are arrayed as A2 & A4, are facing trial in S.C.No.13 of 2017 for the alleged offence under Sections 147, 148, 341, 302, 506(ii) IPC, pending on the file of the learned Additional District Judge, Mayiladuthurai. He further submitted that the petitioners have been regularly appearing before the Court on all hearing dates and due to their absence on 02.08.2022, Non Bailable Warrant was issued against them and the petition filed by the petitioners under Section 317 Cr.P.C was also dismissed. He also submitted that pursuant to the NBW, the petitioners were arrested on 31.10.2022 and they are prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish adequate sureties and also they are ready to co-operate for speedy disposal of the trial. Therefore, he prays



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for grant of bail to the petitioners.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners (A2 & A4) facing trial in S.C.No.13 of 2017. He further submitted that the case is of the year 2009 and due to the absconding of the accused, the court was able to commit the case only in the year 2017. He also stated that since the petitioners failed to appear before the Court on 02.08.2022, Non-Bailable Warrant was issued against them and pursuant to the same, they were arrested on 31.10.2022. He further submitted that there are 21 witnesses in this case and the case now stands posted for framing of charges on 02.12.2022. Hence, he oppose to grant bail to the petitioners.

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

5. Taking into consideration the facts and submissions of the case



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and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each 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 Additional District Court, 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 petitioners shall report before the **learned Additional District Court, on all working days at 10.30 a.m., till framing of charges and thereafter, on all hearing dates without fail;**

[c] the petitioners after coming out of bail



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shall file an Affidavit of Undertaking that they will co-operate for speedy disposal of the trial;

[d] the petitioners shall not abscond during trial;

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

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



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A.D.JAGADISH CHANDIRA., J.

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