



Crl.O.P.No.28197 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

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

Crl.O.P.No.28197 of 2022

Kedari @ Ayyanar

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

(Crime No.151 of 2014)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the S.C.No.161 of
2022 pending trial before in Principal Session Judge, Villupuram.

For Petitioner : Mr.T.Meganathan

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 petitioner herein on bail in S.C.No.161 of 2022, on the file of the learned Principal Sessions Judge, Villupuram, in connection with the Crime No.151 of 2014, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused(A2) facing trial in S.C.No.161 of 2022 for the alleged offence under Sections 147, 148, 294(b), 323, 324, 506(ii) & 307 IPC, pending on the file of the learned Principal Sessions Judge, Villupuram. He further submitted that the petitioner has been regularly appearing before the Court on all hearing dates and on 23.08.2022, due to his illness, he was unable to appear before the Court, due to which, a Non Bailable Warrant was issued against him and pursuant to the same, the petitioner was arrested on 07.10.2022 and he is custody for more than a month. He also stated that the petitioner does not have any other case against him and he is prepared to



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comply with any stringent condition that may be imposed by this Court and also he 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 submitted that the petitioner is an accused (A2) facing trial in S.C.No.161 of 2022. He further submitted that originally the case was pending on the file of the learned Principal Sessions Judge, Villupuram and since the petitioner failed to appear before the Court on 23.08.2022, a Non-Bailable Warrant has been issued by the Court and pursuant to the same, he was arrested on 07.10.2022. He further submitted that now as on date, the case has been made over to the learned Sub Court, Ulundhurpet and pending trial. 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 taking note of the period of incarceration undergone by the petitioner, 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 Judicial Magistrate No.I, Ulundurpet, Kallakurichi**, 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 **learned Sub Court, Ulundurpet, on all working days at 10.30 a.m., until further orders;**



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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.

24.11.2022

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To

1. The Judicial Magistrate No.I,
Ulundurpet, Kallakurichi District.
2. The Sub Court,
Ulundurpet, Kallakurichi District.
3. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
4. The Central Jail,
Cuddalore District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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