



Crl.O.P.No.28492 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

Crl.O.P.No.28492 of 2022

Manikandan

... Petitioner

Vs.

The State Rep. by its,
Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai.
(Cr.No.293 of 2014)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in S.C.No.51 of 2017
on the file of the Hon'ble Additional District Judge, Mayiladuthurai.

For Petitioner : Mr.A.Ilayaperumal

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2022, pursuant the non-bailable warrant issued against him on 25.03.2021, in S.C.No.51 of 2017, on the file of the learned Additional District Judge, Mayiladuthurai, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner/A1 is an accused facing trial in S.C.No.51 of 2017 for the alleged offence under Sections 294(b), 324, 506(ii) of 149 IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, pending on the file of the learned Additional District Judge, Mayiladuthurai. He would further submit that the petitioner regularly appeared before the trial Court, but due to illness, he was unable to appear before the trial Court on 04.09.2019. Thereby, the learned trial Judge had issued Non – Bailable Warrant against the petitioner. Subsequently, the petitioner was met with an accident and had become bed ridden. Therefore, he was unable to surrender. While so, on 17.03.2022, the petitioner surrendered before the trial Court and



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filed an application for recalling the warrant issued against him, whereas the learned Judge dismissed the application and arrested the petitioner. The petitioner is in custody from 09.06.2022 for the past 6 months. He would further submitted that the petitioner is ready to furnish the details of his present residence and he is able to produce appropriate sureties and is ready to co-operate with the Trial Court 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 04.09.2019 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner surrendered before the trial Court on 17.03.2022 and filed an application for recalling the warrant issued against him. However, the learned trial Judge dismissed the same and the petitioner was remanded to judicial custody on 09.06.2022. He would also submit that the case has now been posted for examination of LW2 on 25.11.2022 and there is one previous case pending against the petitioner. Hence, he oppose to grant bail to the petitioner.



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4. Heard the learned counsel for the petitioner 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 and the submissions made by the learned counsel and also considering the fact that the petitioner except on 04.09.2019, 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), each for a like sum to the satisfaction of the **learned Additional District Judge, 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;



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[b] the petitioner shall report before the trial Court on all working days, at 10.30 a.m., until further orders;

[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.

21.11.2022

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

- 1.The Additional District Judge,
Mayiladuthurai.
- 2.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai.
- 3.District Jail, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.

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