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CrI.O.P.No.28414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.28414 of 2022

Ayyothi

... Petitioner

Vs.

State Rep by Inspector of Police,
Avalurpettai Police Station,
Villupuram District.
(Crime No.2037 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner/accused in S.C.No.299 of 2021 on the
file Hon'ble Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila
Court) Villupuram, in Crime No.2037 of 2020.

For Petitioner : Mr.S.Saranraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2022, pursuant to the non-bailable warrant issued against him on 27.09.2021, in S.C.No.299 of 2021, on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is facing trial in S.C.No.299 of 2021 for the alleged offence under Section 302 of IPC, pending on the file of learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram. He would further submit that the petitioner regularly appeared before the trial Court and that on 17.09.2021, during the COVID – 19 pandemic period, the petitioner was unable to appear before the trial Court and the Non – Bailable Warrant was issued. Subsequently, while the petitioner was taking steps to surrender and re-call the warrant, he was arrested in his home on 15.05.2022 and he is in custody for the past 191 days. He would further submitted that the petitioner



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is ready to furnish adequate 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 17.09.2021 and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner has been arrested on 15.05.2022. He would also submit that the case has now been posted for framing of charges on 09.12.2022. 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.

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 17.09.2021, he has been regularly appearing before the court, this Court is inclined to grant bail to the petitioner with



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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 Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court) 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 trial Court on all working days, at 10.30 a.m., till the framing of charges and thereafter on the dates fixed by the learned Judge;

[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



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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 Sessions Judge,
Magalir Needhi Mandram (Fast Track Mahila Court),
Villupuram.
- 2.The Inspector of Police,
Avalurpettai Police Station,
Villupuram District.
- 3.Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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