



CrI.O.P.No.28870 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

CrI.O.P.No.28870 of 2022

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... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Vaitheeswaran Kovil,
Mayiladuthurai District.

(Crime No.562 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.67 of 2020 on the file of
the Additional District Judge, Mayiladuthurai, Mayiladuthurai District
(Crime No.562 of 2020 on the file of the Inspector of Police, Vathieeswaran
Kovil Police Station, Vathieeswaran Kovil, Mayiladuthurai District.



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For Petitioner : Mr.R.Muruga Bharathi
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.67 of 2020, on the file of the learned Additional District Judge, Mayiladuthurai, in connection with the Crime No.562 of 2020, on the file of the respondent Police.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.67 of 2020 for the alleged offence under Sections 294(b) & 302 IPC, pending on the file of the learned Additional District Judge, Mayiladuthurai. He further submitted that originally the bail was granted to the petitioner and he has been all along regularly appearing before the Court on all hearing dates, while so, on 26.08.2022, due to his illness, he was unable to appear before the Court and also due to miscommunication, he was unable to file the petition under Section 317 Cr.P.C.. He further stated that since the petitioner did not appear before the Court on



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26.08.2022, a Non Bailable Warrant was issued against him and pursuant to the same, he was arrested on 24.09.2022 and he is in custody for about two months. He also stated that the petitioner is prepared to 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 has been regularly appearing before the court and on 26.08.2022, he failed to appear before the Court, therefore, the Court has issued a NBW against him and pursuant to the same, he was arrested on 24.09.2022. He further submitted that there are 19 witnesses in this case and the case now stands posted on 25.11.2022 for cross examination of PW3, hence, he opposed 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 fact that the petitioner except on 26.08.2022, he has been regularly appearing before the court and also considering 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, Sirkazhi, 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 learned Additional District Judge, Mayiladuthurai, 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.

24.11.2022

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To

1. The Judicial Magistrate, Sirkazhi, Mayiladuthurai.
2. The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Vaitheeswaran Kovil,
Mayiladuthurai District.
3. The District Jail,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.
5. The Additional District Judge,
Mayiladuthurai



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A.D.JAGADISH CHANDIRA., J.

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