



CrI.O.P.No.29563 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

CrI.O.P.No.29563 of 2022

Senthilkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nagore Town Police Station,
Nagapattinam.

(Crime No.233 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.233 of 2019 on the file
of the respondent Police.

For Petitioner : Mr.T.Elumalai

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



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.230 of 2022, pending on the file of the learned Sub Court, Nagapattinam, in connection with the Crime No.233 of 2019, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.230 of 2022 for the alleged offence under Section 436 of IPC, pending on the file of the learned Sub Court, Nagapattinam. He further submitted that the petitioner has been regularly appearing before the Court and that on 26.10.2022, due to his illness, he was unable to appear before the Court, thereby, a Nonailable Warrant of arrest was issued against him and pursuant to which, he was arrested on 31.10.2022. He also submitted that since the wife of the petitioner passed away recently, he was in depression and he was unable to appear on the hearing dates and also stated that the petitioner has not absconded and he was arrested only from his residence after 5 days of



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issuing NBW. He further submitted that the petitioner is in custody from 31.10.2022 and he is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties 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 facing trial in S.C.No.230 of 2022, pending on the file of the learned Sub Court, Nagapattinam. He further submitted that on 26.10.2022, the petitioner failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was arrested on 31.10.2022. Hence, he oppose for grant of 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 circumstances of the case and the submissions made by the learned counsel 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 Sub Court, Nagapattinam**, 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, Nagapattinam, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;**



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[c] the petitioner after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

01.12.2022

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To

1. The Sub Court,
Nagapattinam.
3. The Inspector of Police,
Nagore Town Police Station,
Nagapattinam District.
3. The Sub Jail,
Nagapattinam..
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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