



CrI.O.P.No.32573 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM:

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.No.32573 of 2022

Jagan

S/o.Santhanam

.. Petitioner

Vs.

State rep. by

The Inspector of Police,

Mayiladuthurai Police Station,

Mayiladuthurai District.

(Crime No.2 of 2015)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.195 of 2017 on the file of the learned Additional District Judge, Mayiladuthurai.

For Petitioner : Ms.B.Thamayanthi

For Respondent : Mrs.G.V.Kasthuri
Addl. Public Prosecutor



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ORDER

WEB COPY The petitioner who was arrested and remanded to judicial custody on 25.11.2022 for the offence under **Sections 147, 148, 294(b), 352, 307, 302 and 149 of I.P.C** in Crime No. 2 of 2015, on the file of respondent police, pending trial in S.C. No.195 of 2017 on the file of learned Additional District Judge, Mayiladuthurai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 25.11.2022 on execution of non bailable warrant issued against him.

3. The learned counsel for the petitioner would submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court. On 08.09.2022, he was unable to appear before the Court and subsequently, the learned Magistrate issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody on 25.11.2022. He would submit that the petitioner has been suffering incarceration for more than 32 days from 25.11.2022. He would further submit that the petitioner is ready to appear



before the Court regularly and to co-operate for the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Addl. Public Prosecutor raised objection stating that there are seven previous cases pending against him and due to his absence, the trial court is not able to conduct trial, and after hectic efforts, he was secured. She would submit that so far LW.1 to 14 were examined and the case is posted for hearing on 12.01.2023. Therefore, if he is released on bail, he may abscond and the trial would be stalled.

5. Considering the above facts and circumstances of the case and 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 bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the ***learned Addl. 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear regularly for each and every hearing before the trial Court without fail.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond during trial;

(e) the petitioner shall not tamper with evidence or witness during trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];



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(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

28.12.2022

rpp

To

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



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A.A.NAKKIRAN,J.

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