



Crl.O.P.No.1536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1536 of 2023

Saravanan,
S/o. Munusamy

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
(Crime No.252 of 2007)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with S.C.No.116 of 2022 pending trial on the file of Hon'ble Principal District and Sessions Court at Thiruvarur District.

For Petitioner	:	Mr.D.Padmanabhan
For Respondent	:	Mr.S.Vinoth Kumar Govt. Advocate (Crl. Side)



ORDER

WEB COPY The petitioner, who was arrested and remanded to judicial custody on 30.06.2022 for the offence under **Section 120(b), 147, 148, 149, 450, 342, 506(ii), 109 and 302 of I.P.C. and 25(1) of Arms Act, 1959** on the file of respondent police in Crime No.252 of 2007, pending trial in S.C.No.116 of 2022 on the file of learned Principal Sessions and District Court, Thiruvavarur District, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 30.06.2022 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. Due to jaundice, he was under continuous treatment and the same was duly informed to his former counsel and also requested him to file appropriate petition for his non-appearance, but he had not filed any petition, thereby, on 25.10.2021 he was unable to appear before the



Crl.O.P.No.1536 of 2023

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 30.06.2022. He would submit that the petitioner has been suffering incarceration for more than 170 days from 30.06.2022. 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 Government Advocate (Crl. Side) raised objection stating that for more than one year, the petitioner is absconding and due to his absence, the trial court is not able to conduct trial, and after hectic efforts, he was secured. He would submit that no previous cases pending against him. However, 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 Principal District and Sessions Judge, Thiruvarur District* 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 before the trial court on every Wednesday at 10.30 a.m. for the period of four weeks and he shall also appear before the trial court for each and every hearing regularly 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



CrI.O.P.No.1536 of 2023

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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

25.01.2023

rpp

To

1. The Principal District and Sessions Judge,
Thiruvavarur Dt.
2. The Inspector of Police,
Koradachery Police Station,
Thiruvavarur District.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras



WEB COPY



Crl.O.P.No.1536 of 2023

T.V.THAMILSELVI, J.

rpp

Crl.O.P.No.1536 of 2023

25.01.2023