



WEB COPY



Crl.O.P.No.5987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

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

Crl.O.P.No.5987 of 2023

Azhagaesan

... Petitioner

Vs.

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

(Crime No.50 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending trial in S.C.No.43 of 2021,
pending on the file of the Additional District Court, Mayiladuthurai.

For Petitioner : Mr.C.T.Saravanan

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



CrI.O.P.No.5987 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.02.2023, pursuant to the non-bailable warrant of arrest issued against him on 06.12.2022, in S.C.No.43 of 2021, in connection with Crime No.50 of 2019, pending on the file of the Additional District Court, Mayiladuthurai, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A17) facing trial in S.C.No.43 of 2021, for the alleged offence under Sections 147, 148, 341, 294(b), 353, 332, 336, 307 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages & Loss) Act, pending on the file of the Additional District Court, Mayiladuthurai. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 06.12.2022, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested from his residence on 08.02.2023. He further submitted that the petitioner is ready to furnish sufficient sureties, therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.5987 of 2023

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused (A17) facing trial in S.C.No.43 of 2021, pending on the file of the Additional District Court, Mayiladuthurai, has failed to appear before the trial Court on 06.12.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 08.02.2023. He further submitted that 7 previous cases are pending as against the petitioner and also stated that as far as this case is concerned, there are 31 accused in this case, therefore, if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4. In reply, the learned counsel for the petitioner submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and he is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail and under no such



Crl.O.P.No.5987 of 2023

circumstances, he will not file a petition under Section 317 Cr.P.C. Hence he prayed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 Additional District Judge, Mayiladuthurai**, and on further conditions that:



Crl.O.P.No.5987 of 2023

[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 appear before the learned Additional District Judge, Mayiladuthurai on all hearing days, without fail;

[c] the petitioner 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 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 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.

24.03.2023

ham



Crl.O.P.No.5987 of 2023

WEB COPY

To

1. The Additional District Court,
Mayiladuthurai.
2. The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai District.
3. The Sub Jail,
Sirkali.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5987 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5987 of 2023

24.03.2023