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Crl.O.P.No.6677 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.6677 of 2023

R.Selvam

.. Petitioner

/versus/

The Inspector of Police,
Mayiladuthurai Police Station,
(Crime No.226 of 1998)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to pass an order enlarging the petitioner on bail in S.C.No.173 of 2015 in Crime No.226 of 1998 of pending investigation on the file of the respondent.

For petitioner : Mr.S.Apunu

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

ORDER

This Criminal Original Petition has been filed seeking to enlarge the petitioners on bail in S.C.No.173 of 2015 on the file of the learned Additional District Judge, Mayiladuthurai , in Crime No.226 of



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1998 on the file of the respondent police.

2. The learned counsel for the petitioner would submit that the petitioner/A29 is facing trial in S.C.No.173 of 2015 on the file of the Additional District Judge, Mayiladuthurai for the offences under sections 147,148,341,324,332,of IPC r/w.3(1) of TNPPDL Act. He would submit that the petitioner was all along regularly appearing before the Court and on 17.06.2022 he was not well and was unable to appear before the Court. The petitioner had instructed his counsel to file a petition under Section 317 and despite filing of the same, the learned trial judge has dismissed the same and issued a Non Bailable Warrant. Pursuant to which the petitioner has been arrested on 08.08.2022. He would submit that the petitioner is in custody for so many days and that he is ready and willing to comply with any condition and furnish adequate surety for guaranteeing his appearance before the Court and thereby he would seek for grant of bail.

3. The learned Government Advocate (Crl.Side) would submit that the petitioner is A29 and since he did not appear before the Court on 17.06.2022, a Non Bailable Warrant came to be issued and it was executed



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on the same day. He would submit that some other accused are also absconding. Therefore, 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.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and taking note of the fact that the petitioner, except on 17.06.2022, he has been regularly appearing before the Court concerned 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.15,000/- (Rupees Fifteen thousand only)** with **two sureties (out of which, one should be the wife of the petitioner)**, each for a like sum to the satisfaction of the **learned Additional District Judge, Mayiladuthurai**, and on further conditions that:



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[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 Additional District Judge, Mayiladuthurai, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;

[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]***;



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

24.03.2023

Speaking Order / Non-Speaking Order

Index : yes/no

Internet : yes/no

mpa

To

1. The Additional District Judge, Mayiladuthurai.

2.The Inspector of Police,
Mayiladuthurai Police Station.

3.The Sub jail, Mayiladuthurai.

4.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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