



CrI.O.P.No.7054 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

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

CrI.O.P.No.7054 of 2023

Azhagesan

... 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/accused on bail, pending trial in S.C.No.43
of 2021, on the file of the learned Additional District Judge, Mayiladuthurai.

For Petitioner : Mr.M.Vijaya Ragavan

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



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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, pending on the file of the learned Additional District Judge, 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 r/w Section 3(1) of TNPPDL Act, pending on the file of the learned Additional District Judge, Mayiladuthurai. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, since the petitioner was arrested in an another case registered in Crime No.258 of 2022 on 30.11.2022, he was unable to appear before the trial Court on 06.12.2022 and also he was unable to instruct his counsel to file the petition under Section 317 Cr.P.C., thereby, the trial Court has issued a Non Bailable Warrant of arrest against him on 06.12.2022. He also submitted that meanwhile, the petitioner was released on bail in connection with Crime



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No.258 of 2022, by the learned Principal District and Sessions Judge, Nagapattinam in Crl.M.P.No.4373 of 2022 dated 22.12.2022, whereas, even before the petitioner getting surrendered and recalling his warrant, the respondent arrested him from his residence on 08.02.2023, pursuant to the Non Bailable Warrant pending against him on 06.12.2022.

3. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions 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. Therefore, he prays for grant of bail to the petitioner.

4. 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 learned Additional District Judge, Mayiladuthurai, has failed to appear before the trial Court on 06.12.2022, a Non-Bailable Warrant of arrest was issued against



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him and pursuant to the same, he was arrested on 08.02.2023. He further submitted that there are 31 accused and 20 witnesses in this case and the case, now stands posted on 03.04.2023, hence, he opposed 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, 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.10,000/- (Rupees Ten 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



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the satisfaction of the **learned Additional 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 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 trial Judge, on all working days at 10.30 a.m., until further orders;

[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 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]*;



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

29.03.2023

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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