



Crl.O.P.No.9610 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9610 of 2023

Arokkiya Sundharam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.

(Crime No.976 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail trial in S.C.No.13 of 2022 pending
on the file of learned Court of Sessions Judge, Fast Track Mahila Court,
Thiruvarur District.

For Petitioner : Mr.P.Muthamizhselvakumar

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



Crl.O.P.No.9610 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.01.2023, pursuant to the non-bailable warrant issued against him on 09.09.2022, in S.C.No.13 of 2022, pending on the file of learned Sessions Judge, Fast Track Mahila Court, Thiruvarur District, in connection with Crime No.976 of 2021, registered for the alleged offence punishable under Sections 448, 376(2)(1), 511 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.13 of 2022 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvarur District. He further submitted that the petitioner was originally granted bail and he has all along been regularly appearing before the Court on all hearing dates, while so, since he was affected with jaundice, he was unable to appear before the trial Court on 09.09.2022, 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 10.01.2023. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.9610 of 2023

WEB COPY

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused facing trial in S.C.No.13 of 2022 pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Thiruvarur District, has failed to appear before the trial Court on 09.09.2022, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 10.01.2023. He further submitted that the case now stands posted on 05.05.2023 for the appearance of legal aid counsel. He also submitted that one previous case is pending against the petitioner, however, he opposed for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner submitted that the petitioner is having a permanent address and he is prepared to furnish sufficient sureties and also ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner 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 prayed for grant of bail to the petitioner.



Crl.O.P.No.9610 of 2023

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on 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), each for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur**, 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



Crl.O.P.No.9610 of 2023

Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur, 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, 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]*;

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

28.04.2023

ham



CrI.O.P.No.9610 of 2023

WEB COPY

To

1. The Sessions Judge, Fast Track Mahila Court,
Thiruvarur District.
2. The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
3. The District Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9610 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.9610 of 2023

28.04.2023