



Crl.O.P.No.8361 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

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

Crl.O.P.No.8361 of 2023

Ayyanar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thirukollur District.

(Crime No.12 of 2015)
S.C.No.233 of 2016

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, pending trial in S.C.No.233
of 2016, on the file of the Principal District Court, Villupuram.

For Petitioner : Mr.P.Paramasivadoss

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



Crl.O.P.No.8361 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2023, pursuant to the non-bailable warrant of arrest issued against him on 11.11.2022, in S.C.No.233 of 2016, pending on the file of the learned Principal District Court, Villupuram, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.233 of 2016, for the alleged offence under Sections 341, 342, 376(i) & 506(ii) of IPC, pending on the file of the learned Principal District Court, Villupuram. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 11.11.2022 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 11.11.2022 and pursuant to which, the petitioner was arrested from his residence on 03.03.2023.

3. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be



Crl.O.P.No.8361 of 2023

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 facing trial in S.C.No.233 of 2016, pending on the file of the learned Principal District Court, Villupuram, has failed to appear before the trial Court only on 11.11.2022, a Non-Bailable Warrant of arrest was issued against him and pursuant to the same, he was arrested on 03.03.2023. He also submitted that the case now stands posted on 19.04.2023. 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.



Crl.O.P.No.8361 of 2023

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 and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram**, 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 concerned, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;**



WEB COPY



Crl.O.P.No.8361 of 2023

[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.

18.04.2023

ham



Crl.O.P.No.8361 of 2023

WEB COPY

To

1. The Sessions Judge,
Magalir Neethi Mandram (Fast Track Mahila Court),
Villupuram
2. The Principal District Court,
Villupuram.
3. The Inspector of Police,
All Women Police Station,
Thirukollur.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8361 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.8361 of 2023

18.04.2023