



Crl.O.P.No.8546 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

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Sudhakar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Yathapur Police Station,
Salem.

Crime No.21 of 2004

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.177 of 2015 on the file of
learned III Additional District and Sessions Judge, Salem in connection with
Crime No.21 of 2004 on the file of the respondent.

For Petitioner : Mr.J.Franklin

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



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ORDER

The petitioner, who was remanded to judicial custody on 08.03.2023, pursuant to the non-bailable warrant issued against him on 03.09.2019, for the alleged offence under Sections 147, 148, 364, 324, 302 r/w 149, 201 of IPC, in S.C.No. 177 of 2015, pending on the file of learned III Additional District and Sessions Judge, Salem, in connection with Crime No.21 of 2004, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A2) facing trial in S.C.No.177 of 2015 pending on the file of the III Additional District and Sessions Court, Salem. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates and due to his illness, he was unable to appear before the trial Court on 03.09.2019, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and after lifting of Covid lock down, he was affected with Jaundice, thereby, he was unable to recall the warrant pending against him. He also submitted that after recovery, the petitioner himself voluntarily surrendered on 08.03.2023 and he was remanded to judicial custody. He further submitted that the petitioner is



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prepared to furnish sufficient sureties and 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.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused (A2) facing trial S.C.No.177 of 2015 pending on the file of the learned III Additional District and Sessions Court, Salem, has failed to appear before the trial Court on 03.09.2019, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him. He further submitted that the petitioner surrendered on 08.03.2023 and thereafter, he was remanded to judicial custody. He also submitted that the petitioner is a history sheeted rowdy in H.S.No.360 of 2005 and 10 previous cases are pending against him. He further submitted that now the case stands posted on 02.06.2023 for engaging the advocate, therefore, if bail is granted to the petitioner, there is every possibility of him



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to abscond once again and would derail the progress of trial. Therefore, he opposed for grant of 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 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.

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 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 III Additional District and Sessions Judge, Salem**, 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 III Additional District and Sessions Judge, Salem, on all working days at 10.30 a.m., till 02.06.2023 and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall also report before the respondent Police on every Saturday at 6.30 p.m., until further orders;

[d] 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;

[e] the petitioner shall not abscond during trial;

[f] the petitioner shall not tamper with evidence or witness during trial;

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

20.04.2023

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To

1. The III Additional District and Sessions Judge,
Salem.
2. The Sub-Inspector of Police,
Yathapur Police Station,
Salem.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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