



Crl.O.P.No.8864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8864 of 2023

Sundaravadivel

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
(Crime No.101 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.101 of 2018 pending
investigation on the file of the respondent police.

For Petitioner : Mr.V.Vinothkumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.02.2023, for the offences punishable under Sections 448, 294(b), 332 and 506(ii) IPC and Section 3(1) of TNPPDL Act in Crime No.101 of 2018 on the file of the respondent police, in S.C.No.148 of 2018, on the file of the Additional District Court, Mayiladuthurai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 22.02.2023 pursuant to the non bailable warrant issued against him on 08.02.2023.

3. The learned Counsel for the petitioner would submit that the petitioner was regularly appearing before the trial Court. On 08.02.2023, since the petitioner was not well, he could not appear before the trial Court and thereby, the learned Magistrate had issued non bailable warrant against the petitioner. Subsequently, the petitioner surrendered before the trial Court on 22.02.2023 by filing a petition to recall the NBW but, the same was dismissed by the learned Magistrate and the petitioner was arrested and remanded to judicial custody on the same day on execution of non bailable warrant. He further submitted that the petitioner is ready to appear before the



trial Court regularly and to co-operate for the speedy disposal of the trial.

Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the petitioner did not appear before the trial Court on 08.02.2023 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on 22.02.2023 on execution of non bailable warrant.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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 trial Court at 10.30 a.m. on all working days for a period of two weeks and thereafter, on the dates fixed by the trial Court. The petitioner shall also report before the respondent police on every Saturday at 10.30 a.m., until further orders;

[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.

24.04.2023

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To

1. The Judicial Magistrate No.II,
Mayiladuthurai.
2. The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
3. The Jailer,
Sub Jail, Mayiladuthurai, Mayiladuthurai District
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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