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Crl.O.P.No.8870 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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

Crl.O.P.No.8870 of 2023

Shanmugam @ Rape Manikandan

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
Mayiladuthurai Police Station,  
Mayiladuthurai District.  
(Crime No.17 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.17 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 10.02.2023 for the offences punishable under Sections 392 IPC r/w  
Section 3(1) of TNPPDL Act in Crime No.17 of 2018 on the file of the  
respondent police, in S.C.No.85 of 2018 on the file of the Additional District  
Court, Mayiladuthurai, seeks bail.



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2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 10.02.2023 pursuant to the non bailable warrant issued against him on 05.01.2023.

3. The learned Counsel for the petitioner would submit that the petitioner is an accused and facing trial in S.C.No.85 of 2018 on the file of the Additional District Court, Mayiladuthurai and he was regularly appearing before the trial Court. On 05.01.2023, due to illness, the petitioner could not appear before the trial Court and thereby, the learned Magistrate has issued non bailable warrant against the petitioner following which, the petitioner was arrested and remanded to judicial custody within a month i.e. on 10.02.2023 on execution of non bailable warrant, from his residence and during his abscondance, the petitioner did not indulge in any illegal activities. He further submitted that the petitioner undertakes 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 05.01.2023 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on 10.02.2023 from his residence on execution of non bailable warrant. He further submitted that there were totally two accused in this case and now the 2<sup>nd</sup> accused has died and therefore, the petitioner alone is facing trial.

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.

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7. 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 shall be a blood relative**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Mayiladuthurai**, and on further conditions that:



WEB COPY



Crl.O.P.No.8870 of 2023

[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]*;

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

24.04.2023

ksa-2



Crl.O.P.No.8870 of 2023

To

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



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Crl.O.P.No.8870 of 2023

**A.D.JAGADISH CHANDIRA,J.,**

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Crl.O.P.No.8870 of 2023

24.04.2023