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Crl.O.P.No.9091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9091 of 2023

1. Pandiyan

2. Jayakumar

... Petitioners

Vs.

State rep. by
The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District
(Crime No.649 of 2015)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.149 of 2021 on the file of
the District and Sessions Judge, Mayiladuthurai on such terms and
conditions as this Court may deem fit and proper in the circumstances of the
case.

For Petitioners : Mr.M.Vinoth

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.04.2023 for the offences punishable under Sections 323, 324, 305, 352, 506(ii) of IPC read with Section 3(1) of TNPPDL Act, in Crime No.649 of 2015 on the file of the respondent police, in S.C.No.149 of 2021 on the file of the District and Sessions Judge, Mayiladuthurai, seek bail.

2. It is a case of jumped bail. The petitioners were arrested and remanded to judicial custody on 04.04.2023 pursuant to the non bailable warrant issued against them on 20.03.2023.

3. The learned Counsel for the petitioners would submit that the petitioners were earlier granted bail and thereafter, the petitioners were regularly appearing before the trial Court. On 20.03.2023, since the 1st petitioner was not well, both the petitioners could not appear before the trial Court and thereby, the learned Magistrate has issued non bailable warrant against the petitioners following which, the petitioners were arrested and remanded to judicial custody on 04.04.2023 on execution of non bailable warrant. He further submitted that the petitioners are 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 petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the petitioners did not appear before the trial Court on 20.03.2023 and thereby, non bailable warrant was issued against the petitioners and they were arrested on 04.04.2023 on execution of non bailable warrant.

5. Heard the learned Counsel for the petitioners 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 petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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, Sirkazhi**, 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 petitioners 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 petitioners shall also report before the respondent police on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall file an affidavit before the learned Magistrate, undertaking to co-operate for the speedy disposal of the trial, at the time of executing the bail bond;

[d] the petitioners shall not abscond during trial;

[e] the petitioners shall not tamper with evidence or witness during trial;



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

26.04.2023

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To

1. The Judicial Magistrate, Sirkazhi
2. The District and Sessions Judge, Mayiladuthurai
3. The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai District
4. The Jailer, Sub Jail, Sirkazhi
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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