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Crl.O.P.No.9120 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.9120 of 2023

Vadivel

... Petitioner

Vs.

State rep. by
The Inspector of Police
Sirkazhi Police Station
Mayiladuthurai
(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 pending on
the file of the District and Sessions Court, Mayiladuthurai, in Crime No.649
of 2015 on the file of the Inspector of Police, Sirkazhi Police Station,
Mayiladuthurai.

For Petitioner : Mr.C.Ganesh Pandian

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 04.04.2023 for the offences punishable under Sections 323, 324, 305, 352, 506(ii) of IPC and 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, seeks bail.

2. It is a case of jumped bail. The petitioner was 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 petitioner would submit that the petitioner was earlier granted bail and thereafter, the petitioner was regularly appearing before the trial Court. On 20.03.2023, due to illness, the petitioner was unable to 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 on 04.04.2023 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.



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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 20.03.2023 and thereby, non bailable warrant was issued against the petitioner and the petitioner was arrested on 04.04.2023 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 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**, each for a like sum to the satisfaction of the **learned District and Sessions Judge, Mayiladuthurai**, 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 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 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 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



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



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A.D.JAGADISH CHANDIRA,J.,

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