



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9349 of 2023

Srinath

... Petitioner

Vs.

State Represented by
The Inspector of Police
Mayiladuthurai Police Station,
Mayiladuthurai District.
(S.C.No.23/2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.23 of 2023 pending on the
file of learned District and Session Judge, Mayiladuthurai.

For Petitioner : Mr.P.Muthamizhselvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.02.2023 for the offences punishable under Sections 147, 148, 341, 294(b), 342, 302 and 149 of IPC, 1860 read with 25(1)(B) of Indian Arms Act, in Crime No.636 of 2022 on the file of the respondent police, in S.C.No.23 of 2023 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 01.02.2023 pursuant to the non bailable warrant issued against him on 01.02.2023.

3. The learned Counsel for the petitioner would submit that the petitioner is facing trial in S.C.No.23 of 2023 on the file of District and Session Judge, Mayiladuthurai and that the petitioner was regularly appearing before the trial Court. However, on 01.02.2023, the petitioner was late for attending Court and thereby, the learned Magistrate has issued non bailable warrant against the petitioner pursuant to which, the petitioner was arrested and remanded to judicial custody on the same day i.e. on 01.02.2023. He further submitted that the petitioner has no other case against



him and he 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 would fairly concede that the petitioner did not appear before the trial Court for one hearing on 01.02.2023 and thereby, non bailable warrant was issued against the petitioner and that the petitioner was arrested and remanded to judicial custody on the same day of issuance 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.



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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 District and Sessions Judge, 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.

[c] the petitioner within two weeks from the date of coming out on bail, shall file an affidavit of undertaking before the trial Court that he would co-operate for the speedy disposal of trial.

[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 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.

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To

1. The District and Session Judge, Mayiladuthurai.
2. The Inspector of Police
Mayiladuthurai Police Station,
Mayiladuthurai District.
3. The Sub Prison, Mayiladuthurai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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