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Crl.O.P.No.10630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.O.P.No.10630 of 2023

Arivu @ Arivazhagan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cuddalore N.T Police Station,
Cuddalore District.

(Crime No.518 of 2008).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, pending trial in S.C.No.340
of 2018 pending trial on the file of the learned Principal Assistant Sessions
Judge, Cuddalore.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.O.P.No.10630 of 2023

WEB COPY

ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 24.03.2022 pursuant to the non-bailable warrant of arrest issued against him in S.C.No.340 of 2018 on the file of learned Principal Assistant Sessions Judge at Cuddalore, in connection with Crime No.518 of 2008, registered for the alleged offence under Sections 147, 148, 341, 322, 324, 326 and 307 I.P.C. r/w 149 of I.P.C. in on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that this is the fifth bail application of the petitioner and this Court, had dismissed the earlier bail applications filed by the petitioner in Crl.O.P.Nos.30382 of 2022 & 549, 5055 & 8660 of 2023 vide orders dated 15.12.2022, 12.01.2023, 03.03.2023 & 24.04.2023. He further submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates and since the petitioner unable to appear before the trial Court, the trial Court has issued a Non Bailable Warrant of arrest against him. Subsequently, the petitioner has been arrested in connection with Crime No.101 of 2022, registered by the



CrI.O.P.No.10630 of 2023

Kandamangalam Police Station, thereby, he was remanded to judicial custody in the present case through PT warrant on 24.03.2022. He further submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prayed for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has failed to appear before the trial Court on 12.07.2019, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was remanded to judicial custody through PT warrant on 24.03.2022. He further submitted that 43 previous cases are pending as against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.10630 of 2023

WEB COPY

4. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Principal Assistant Sessions Judge, Cuddalore**, 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 appear before the



Crl.O.P.No.10630 of 2023

**learned Principal Assistant Sessions Judge, Cuddalore,
on all hearing dates, without fail;**

[c] the petitioner, after coming out on bail, shall file an Affidavit of Undertaking to the effect that he will co-operate for speedy disposal of the 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.

17.05.2023

ham/ vkr



CrI.O.P.No.10630 of 2023

To
WEB COPY

1. The Principal Assistant Sessions Judge,
Cuddalore.
2. The Inspector of Police,
Cuddalore N.T Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.10630 of 2023

A.A.NAKKIRAN.,J.

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Crl.O.P.No.10630 of 2023

17.05.2023