



CrI.O.P.No.11027 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

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

CrI.O.P.No.11027 of 2023

Periyannayagam Joshwa

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

(Crime No.288 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.288 of 2022,
on the file of the respondent police, pursuant to the order dated 25.04.2023 in
CrI.M.P.No.1577 of 2023 passed by the learned Principal District and
Sessions Judge, Nagapattinam.

For Petitioner : Mr.S.John Josh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.11027 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.12.2022, in connection with Crime No.288 of 2022 registered for the offence punishable under Sections 147, 148, 149, 449, 307, 120B, 109, 201 & 302 of IPC, seeks bail.

2.Learned counsel for the petitioner submitted that the petitioner is an accused (A18) facing trial in S.C.No.06 of 2023 pending on the file of the District Munsif cum Judicial Magistrate, Kilavelur. He further submitted that the petitioner, due to his illness, was unable to appear before the trial Court on 14.12.2022, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to which, he was arrested on 20.12.2022. He also submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3.Learned learned Additional Public Prosecutor appearing for the



CrI.O.P.No.11027 of 2023

respondent submitted that since the petitioner, who is an accused (A18) facing trial in S.C.No.06 of 2023, pending on the file of the District Munsif cum Judicial Magistrate, Kilavelur, has failed to appear before the trial Court on 14.12.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 20.12.2022. He further submitted that if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4.Taking into consideration the facts and circumstances of the case, the submissions made by 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.

5. 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 Munsif cum Judicial Magistrate, Kilvelur**, and on further conditions that:

[a] the sureties shall affix their photographs and



Crl.O.P.No.11027 of 2023

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 learned District Munsif cum Judicial Magistrate, Kilvelur, on all working days at 10.30 a.m., until further orders;

[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.



WEB COPY

vkr



CrI.O.P.No.11027 of 2023

17.05.2023

To

1. The District Munsif cum Judicial Magistrate,
Kilvelur.
2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District
3. The Central Prison,
Pudhukottai.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN,J.



WEB COPY



Crl.O.P.No.11027 of 2023

vk

Crl.O.P.No.11027 of 2023

17.05.2023