



CrI.O.P.No.11616 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.11616 of 2023

Suman

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.

(Crime No.109 of 2012)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in S.C.No.171 of 2018, on the file of
the Additional District Judge, Mayiladuthurai District.

For Petitioner : Mr.S.P. Harikrishnan

For Respondent : Mr.S. Sugendran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.08.2022 for the offence punishable under Sections 341 and 302 of IPC in Crime No.109 of 2012, which was taken on file as P.R.C.No.11 of 2012 on the file of the learned Judicial Magistrate, Nagapattinam and the case was committed and numbered as S.C.No.171 of 2018, which is pending trial before the learned Additional District Judge, Mayiladuthurai, seeks bail.

2.Learned counsel for the petitioner submitted that the petitioner was released on statutory bail in Crl.M.P.No.3990 of 2012 on 07.06.2012 by the learned Judicial Magistrate No.I, Mayiladuthurai. Thereafter, the petition filed by the respondent Police for cancellation of bail in Crl.M.P.No.872 of 2022 was allowed by the learned Principal District and Sessions Judge, Nagapattinam on 07.07.2022. Therefore, he prayed for grant of bail to the petitioner. The petitioner had thereafter filed a bail application before this Court in Crl.O.P.No.29953 of 2022, which was dismissed on 02.12.2022, with a direction to the Trial Court to complete the trial within a period of three months. However, the same has not been complied with till date.



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3.Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has involved in 25 previous cases of similar nature. Therefore, he vehemently opposed for grant of bail to the petitioner.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Additional District Judge, mayiladuthurai, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 learned trial Judge, 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.

18.05.2023

Sni/Hvk



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To

- 1.The Additional District Judge,
Mayiladuthurai District.
- 2.The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Sni/Hvk

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