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Crl.O.P.No.11966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

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

Crl.O.P.No.11966 of 2023

Suman

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai,
Mayiladuthurai District.
(Crime No.166 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the case in
S.C.No.205 of 2016 pending on the file of the Additional District Judge,
Mayiladuthurai.

For Petitioner : Mr.T.Balaji

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 294(b), 506(ii), 448 of IPC and Section 3(1) of TNPPDL Act, in Crime No.166 of 2016 on the file of the respondent police in S.C.No.205 of 2016 on the file of the Additional District Judge, Mayiladuthurai, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 06.08.2022 pursuant to the issuance of non bailable warrant on 13.07.2022 in S.C.No.205 of 2016 on the file of the Additional District Judge, Mayiladuthurai.

3. The learned Counsel for the petitioner would submit that the petitioner is facing trial in S.C.No.205 of 2016 on the file of the Additional District Judge, Mayiladuthurai, for the offences punishable under Sections 294(b), 506(ii), 448 of IPC and Section 3(1) of TNPPDL Act and he was regularly appearing before the Court. He further submitted that the petitioner is also accused in S.C.No.171 of 2018 which is also pending before the same Judge. He would submit that the bail granted to the petitioner in S.C.No.171



of 2018, was cancelled and thereby, the petitioner was unable to appear before the trial Court in S.C.No.205 of 2016 on 13.07.2022 due to which, Non Bailable Warrant of arrest came to be issued against the petitioner pursuant to which, the petitioner was arrested and remanded to judicial custody on 06.08.2022. Subsequently, the petitioner was arrested and remanded to judicial custody in S.C.No.171 of 2018 on 08.08.2022. He would submit that the petitioner was regularly appearing before the Court. On account of cancellation of bail in S.C.No.171 of 2018, the petitioner was taking steps to get orders from the Court and thereby, the petitioner was unable to appear before the Court and that the absence of the petitioner before the trial Court is neither wilful nor wanton. He further submitted that the petitioner had moved an application for bail in S.C.No.171 of 2018 before this Court in Crl.O.P.No.11616 of 2023 and this Court by order dated 18.05.2023, granted bail to the petitioner whereas, on account of the arrest of the petitioner in S.C.No.205 of 2016, the petitioner is still languishing in jail. Hence, he would pray for grant of bail to the petitioner. Further, he would submit that a direction may be issued to the trial Court to complete the trial as expeditiously possible.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that apart from the above said 2 cases, the petitioner is involved in several other cases. However, he would submit that the petitioner had been regularly appearing before the Court in the other cases and only after the cancellation of bail in S.C.No.171 of 2018, the petitioner got absconded and later, he was arrested.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that the petitioner has been granted bail by this Court in S.C.No.171 of 2018, 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 Additional District 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 appear before the learned Additional District Judge, Mayiladuthurai, on all working days at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] 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 petitioners 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]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



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8. Further, taking into consideration that the petitioner is involved in several cases, a direction is issued to the learned Additional District Judge, Mayiladuthurai, to give priority and see to that the trials in the cases in S.C.No.205 of 2016, S.C.No.171 of 2018 and in S.C.No.274 of 2008 (Crime No.703 of 2005 registered by the Mayiladuthurai Police Station) are completed as expeditiously as possible.

05.06.2023

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To

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



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A.D.JAGADISH CHANDIRA,J.,

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