



Crl.O.P.No.13044 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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

Crl.O.P.No.13044 of 2023

Dhanapal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kariyakoil Police Station.

(Crime No.13 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail trial in S.C.No.47 of 2019 pending
on the file of learned Sessions Judge, Magalir Neethimandram, Salem
District.

For Petitioner : Mr.S.Ambigapathi

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



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that it is the case of the year 2018 and the petitioner, who is an accused facing trial in S.C.No.47 of 2019 pending on the file of the learned Sessions Judge, Magalir Neethimandram, Salem District, was regularly appearing before the trial Court, whereas, has failed to appear before the trial Court on 23.07.2021, thereby, the learned trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 15.04.2023. He further submitted that there are 19 witnesses in this case. Hence, he opposed for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner reiterated that the petitioner, only on apprehending danger to his life, was living somewhere else and now he is ready to co-operate for speedy disposal of the trial. He further submitted that the petitioner is also ready to abide by any other 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 undertake that he will appear before the trial Court on



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all hearing dates without fail. Therefore, he prayed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant 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** (out of which one surety should be the wife of the petitioner), each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethimandram, Salem**, and on further conditions that:



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[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 Sessions Judge, Magalir Neethimandram, Salem, on all working days at 10.30 a.m. for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[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]*;



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A.D.JAGADISH CHANDIRA.,J.

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

13.06.2023

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To

1. The Sessions Judge, Magalir Neethimandram,
Salem District.
2. The Inspector of Police,
Kariyakoil Police Station.
3. The Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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