



Crl.O.P.No.18747 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18747 of 2023

G.Nakkeeran

...Petitioner

Vs.

The State Rep. by:
Inspector of Police,
Tiruvarur Taluk-P.S,
Tiruvarur District,
(Cr.No.367 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner/accused No.6 on bail in PRC No.7/2020 in Hon'ble Judicial Magistrate at Thiruvarur.

For Petitioner : Mr.K.Arunagiri

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2023 for the offences punishable under Sections 147, 148, 294(b), 302, 120B, 341, 449, 34, 149, 109 of IPC in P.R.C.No.7 of



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2020 pending on the file of learned Judicial Magistrate Court, at Tiruvarur in Crime No.367 of 2019 on the file of the respondent, seeks bail.

2. It is the submission of the learned counsel for the petitioner that the petitioner is an accused in P.R.C.No.7 of 2020 pending on the file of the learned Judicial Magistrate, at Tiruvarur. The summons were served in P.R.C.No.7 of 2020 during the absence of the petitioner. NBW was issued against him on 11.10.2022 and was executed on 24.06.2023. Since then, he is in judicial custody. He further submitted that the petitioner would be regular in attending Court in future hearings. Thus, he seeks bail.

3. Learned Additional Public Prosecutor opposed this petition on the ground that NBW was pending against the petitioner for a long time.

4. Considered the rival submissions and perused the records of the case.

5. It is the submission of the learned counsel for the petitioner that summons in P.R.C.No.7 of 2020 was not served to him and it was



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pasted in his house and that is the reason why he was not aware of the summons, resulting in issuance of NBW. Now, the petitioner is in judicial custody from 01.07.2023. Learned counsel for the petitioner submitted that petitioner would be regular in attending the Court hearings in future.

6. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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 Judicial Magistrate at Tiruvarur**, 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 report before the concerned Court on all working days at 10.30.a.m., until further orders and also on all hearing dates without fail.

[c] the petitioner shall not abscond either during investigation or trial.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 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].

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

16.08.2023

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To

- 1.The Judicial Magistrate at Tiruvarur.
- 2.The Nagapattinam District Jail.
- 3.The Inspector of Police,
Tiruvarur Taluk-P.S,
Tiruvarur District.
- 4.The Public Prosecutor,
High Court of Madras.

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