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CrI.OP.No.19020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.09.2023

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

CrI.OP.No.19020 of 2023

Thiyagu @ Thiyagarajan

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
P3 – Vyasarpadi Police Station,
Chennai.
Crime No.1038 of 2012

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending trial in S.C.No.104 of
2017 on the file of the XXII Additional Sessions Judge, Chennai.

For Petitioner : Mr.M.J.Nissar Ahmed

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 341, 307 and 506(ii) of IPC pending in S.C.No.104 of 2017 on the file of the XXII Additional Sessions Judge, Chennai in connection with Crime No.1038 of 2012, seeks bail.

2. It is the submission of the learned counsel for the petitioner, no summons was served on the petitioner in S.C.No.104 of 2017 pending on the file of the learned XXII Additional Sessions Judge, Chennai. However, the trial Court was pleased to issue Non Bailable Warrant to the petitioner on 24.07.2019 and the same was executed on 07.07.2023. Since, petitioner was not aware of the pendency of the case, he was not able to appear before the Court. Petitioner is in Judicial Custody from 07.07.2023. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.

3. In response, the learned Additional Public Prosecutor



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opposes the petition on the ground that, due to the absence of the petitioner, the case in S.C.No.104 of 2017 is pending from the year 2017.

4. Considering the submission of the learned counsel for the petitioner that, summons was not served on the petitioner and he did not aware of the issuance of the Non Bailable Warrant and if he had known about the issuance of Non Bailable Warrant, he would have appeared before the trial Court and filed petition for recall of warrant and his further submission that the petitioner would regularly appear before the Court hereafter and also having regard to the fact that, petitioner is in Judicial from 07.07.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 XXII Additional Sessions Judge, Allikulam, Chennai** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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 XXII Additional Sessions Judge, Allikulam, Chennai on all working days until further orders and on all hearing dates without fail;

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

[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.

11.09.2023

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To

1. XXII Additional Sessions Judge, Allikulam, Chennai



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2.The Inspector of Police,
P3 – Vyasarpadi Police Station,
Chennai.

3.Puzhal Jail.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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CrI.O.P.No.19020 of 2023

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