



Crl.O.P.No.22416 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22416 of 2023

Mani @ Manikandan
S/o.Allimuthu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Anaimalai Police Station,
Pollachi, Coimbatore.
(Crime No.13 of 2020)

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Assistant Sessions Judge, Pollachi to send/process the bail bond dated 12.09.2023 to the Superintendent, Central Prison, Coimbatore executed in Crl.M.P.No.4045 of 2023 in Crl.A.No.243 of 2023 pending on the file of learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.R.Vivekananthan
for Mr.S.Senthil Murugan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed for a direction to the learned Assistant Sessions Judge, Pollachi, to send the bail bond to the Superintendent of Central Prison, Coimbatore, in order to enable the petitioner to come out on bail.

2. Heard Mr.R.Vivekananthan, learned counsel appearing on behalf of the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The petitioner faced trial in S.C.No.9 of 2021 before the learned Assistant Sessions Judge, Pollachi, for offences under Section 397 read with 395 IPC. There are totally two accused persons in this case and the petitioner is arrayed as A1. The trial Court, by judgment dated 31.01.2023, convicted the petitioner and sentenced him to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default in undergo three months simple imprisonment.



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4. Aggrieved by the above judgment of the trial Court, the petitioner filed an appeal in Crl.A.No.243 of 2023 before the Principal District and Sessions Judge, Coimbatore. The petitioner also filed an application for suspension of sentence pending disposal of the appeal in Crl.M.P.No.4045 of 2023. The appellate Court was pleased to pass an order dated 14.08.2023 suspending the sentence till the disposal of the appeal by imposing certain conditions. One such condition that was imposed by the appellate Court was that the petitioner must execute a bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the learned Assistant Sessions Judge, Pollachi. Accordingly, the petitioner also executed a bond with two sureties for a like sum.

5. The grievance of the petitioner is that the learned Assistant Sessions Judge, Pollachi, in spite of receiving the bond with two sureties, did not send the bail bond to the Central Prison, Coimbatore and as a result, the petitioner continues to be in incarceration in spite of being enlarged on bail by order dated 14.08.2023. The communication that was sent by the



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concerned Court to the Central Prison, Coimbatore, dated 12.09.2023 shows that the Court was insisting for obtaining a Aadhaar Card from the petitioner. Since the Aadhaar Card is not available, the petitioner continues to remain inside the jail. Aggrieved by the same, the present petition has been filed before this Court.

6. In the considered view of this Court, the petitioner had already complied with the condition imposed by the learned Principal District and Sessions Judge, Coimbatore and he has executed a bond with two sureties on 12.09.2023. In view of the same, a bail bond has to be sent to the Central Prison, Coimbatore, to enable the petitioner to come out on bail. The same cannot be retained by the learned Assistant Sessions Judge, Pollachi, by insisting for production of the Aadhar Card of the petitioner. In view of the same, there shall be a direction to the learned Assistant Sessions Judge, Pollachi, to immediately send/process the bail bond dated 12.09.2023 to the Superintendent of Central Prison, Coimbatore.



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This Criminal Original Petition is disposed of with the above direction.

27.09.2023

Note: Issue today [27.09.2023]

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

rjr/ssr

To

- 1.The Principal District and Sessions Judge,
Coimbatore.
- 2.The Assistant Sessions Judge,
Pollachi .
- 3.The Superintendent of Central Prison,
Coimbatore.
- 4.The Inspector of Police,
Anaimalai Police Station,
Pollachi, Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH,J

rjr/gm

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