



CRL OP(MD). No.20446 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Honourable Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.20446 of 2023

S.Vijay @ Kattari Vijay

... Petitioner/ Accused Rank No.2

Vs

The State rep.by,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Cr.No.432/2020.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate
for Mr.D.Rajaboopathy, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 432/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on



CRL OP(MD). No.20446 of 2023

WEB COPY

23.08.2023 for the alleged offences punishable under Sections 147, 148, 506(ii), 120(B), 399, 402 IPC and 8(C) & 20(b)(ii)(C) 25 of NDPS Act, 1985 and 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and 20, 30 of Arms Act, 1959, in Crime No.432 of 2020, on the file of the respondent police, seeks bail.

2. The learned Counsel appearing for the petitioner would contend that the petitioner's case was split up from the main case in C.C.No.1 of 2021 and numbered as C.C.No.86 of 2021. The main case was disposed of and the accused in the main cases were acquitted. The petitioner's case in C.C.No.86 of 2021 is pending before the Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Cases, Pudukkottai. However, on 28.12.2021, Non-Bailable Warrant was issued against the petitioner due to his non appearance and hence, he was arrested and remanded to judicial custody on 23.08.2023. Hence, the learned counsel prays for bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent Police would submit that since the petitioner has not appeared before the trial Court, Non-Bailable Warrant is issued. Hence, he strongly opposed to grant bail to the petitioner.



CRL OP(MD). No.20446 of 2023

4. Heard both sides and perused the materials available on record.

WEB COPY

5. It is seen that the main case was disposed of and the other accused were acquitted. Further, the petitioner is in custody from 23.08.2023. Therefore, considering the facts and circumstances and also considering the period of incarceration and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(i) Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Cases, Pudukkottai and on further conditions that:

(ii) the petitioner shall appear before the trial Court as directed by the trial court;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Judge/Trial Court

is entitled to take appropriate action against the petitioner in accordance with law as

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.20446 of 2023

if the conditions have been imposed and the petitioner released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/11/2023

/ TRUE COPY /

22/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

TO

1. The Additional District and Sessions Judge/Presiding Officer,
Special Court for E.C and NDPS Cases, Pudukkottai
 2. The Officer in charge, District Jail, Pudukkottai, Pudukkottai District.
 - 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-16673[I] dated 22/11/2023)



WEB COPY



CRL OP(MD). No.20446 of 2023

ORDER
IN
CRL OP(MD) No.20446 of 2023
Date :21/11/2023

RK (22/11/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023