



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

WEB COPY

CORAM:

THE HON'BLE Mr. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11110 of 2022

Ragu @ Ragupathi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Sooramangalm Police Station,
Salem District,
(Crime No.1085 of 2018)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail S.C.No.124 of 2019, on the file of the II Additional District Judge, Salem (FAC) in the Crime No.1085 of 2018 on the file of the Inspector of Police, Sooramangalam Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner was arrested on 24.09.2021 for the offence punishable under Sections **302 r/w 34 IPC, in Crime No.1085 of 2018**, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner is A1 in Crime No.1085 of 2018 on the file of the Sooramangalam Police Station in S.C.No.124 of 2019 pending on the file of the learned II Additional District Judge, Salem. Since the petitioner did not appear before the trial Court on 19.02.2021, the learned trial Judge had issued NBW. Thereafter, the warrant was executed on 24.09.2021.

3.Learned counsel for the petitioner would submit that due to ill health, the petitioner could not appear before the trial Court on 19.02.2021, thereby, NBW came to be issued against the petitioner. Hence, he seeks for grant of bail.



4.Learned Government Advocate (Crl.side) appearing for the respondent police would vehemently oppose stating that since the petitioner did not appear before the trial Court on 19.02.2021, the learned trial Judge had issued NBW and the warrant could be executed only after a delay of 8 months viz. 24.09.2021. He added that the next date of hearing in S.C.No.124 of 2019 is on 08.06.2022 and it is posted on that day for framing charges.

5.Considering the above fact, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, Salem;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

© the petitioner is directed to appear before the trial Court on each and every date of hearing;

(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 Judicial 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.

-sd/-

12/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE II ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.2, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.7004

CRL OP.11110/2022

Date :12/05/2022

TA-12/05/2022