



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

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PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.11818 of 2022

AGAINST

S.C.No.57 OF 2022

(On the file of I Additional Assistant Sessions Court, Villupuram)

BHARANI @ BHARANIDHARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
STATION HOUSE OFFICER,
THIRUKOVILUR POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.293/2015

[RESPONDENT]

For Petitioner : M/S.T.VINOTH KUMAR Advocate

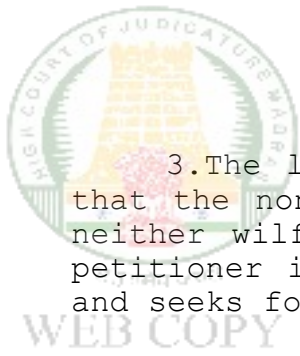
For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.01.2022 on execution of Non-Bailable Warrant issued by the learned I Additional Assistant Sessions Judge, Villupuram for the offence under Sections 294(b), 324, 506(ii), 307 and 34 of IPC in S.C.No.57 of 2022 in respect of crime No.293 of 2015, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as an accused in crime No.293 of 2015 under Sections 294(b), 324, 506(ii), 307 and 34 of IPC and on filing of charge sheet, the same was taken cognizance by the learned I Additional Assistant Sessions Judge, Villupuram in SC.No.57 of 2022, which is pending. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. Thereafter, the petitioner was produced before the learned Judicial Magistrate, Thirukovilur through P.T. Warrant on 10.01.2022.



3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is the accused in SC.No.57 of 2022. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant on 31.08.2017 against the petitioner and the petitioner was produced through P.T. warrant only on 10.01.2022, and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5.It is seen that after completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.57 of 2022 on the file of the learned I Additional Assistant Sessions Judge, Villupuram. However, the petitioner was absent before the trial court. As such on NBW, he was produced through P.T warrant on 10.01.2022.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukovilur, Villupuram District 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 trial Court viz., I Additional Assistant Sessions Court, Villupuram daily at 10.30 a.m and 05.30 p.m. until further orders.

[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.

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-sd/-

06/06/2022

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 JUDICIAL MAGISTRATE,
THIRUKOVILUR, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 STATION HOUSE OFFICER,
THIRUKOVILUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 I ADDITIONAL ASSISTANT
SESSIONS COURT, VILLUPURAM

CC to M/S.T.VINOTH KUMAR Advocate on payment of necessary charges

CRL OP.11818/2022

Date :06/06/2022

RVR 07/06/2022