



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12502 of 2022

RAMU

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
THE INSPECTOR OF POLICE
THEVATTIPATTI POLICE STATION,
SALEM DISTRICT.
(CRIME NO.404 OF 2013)

[RESPONDENT]

For Petitioner : M/S.K.RAMESH Advocate

For Respondent : MR.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 10.11.2021, in pursuant to the NBW issued on 21.10.2021 by the learned III Additional District Sessions Judge, Salem, for the alleged offence under Sections 120(b), 449, r/w. 149, 396, 404 r/w. 149 of IPC in Crime No.404 of 2013 on the file of the respondent police, seeks bail.

2. Totally, there are 5 accused and the petitioner is arrayed as A2. Since the petitioner did not appear before the trial Court, Non-Bailable Warrant was issued against him on 21.10.2021. Thereafter, on 10.11.2021, the petitioner surrendered before the trial Court for recalling NBW and this was with some delay. In view of the same, his surrender petition was dismissed and he was arrested and remanded to judicial custody on the very same day.



3. The learned Counsel for the petitioner submitted that earlier, the petitioner was granted bail and thereafter, after filing the final report, summons not served to the petitioner, and hence, he was not able to attend during the hearing on 21.10.2021 and therefore, an NBW was issued against him. He further submitted that the petitioner undertakes to appear before the trial Court during further hearing dates without fail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is having one previous case and since he fails to appear before the trial Court deliberately, an NBW was issued against this petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for more than 150 days, this Court is inclined to grant bail to the petitioner subject to following conditions.

6. 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 sureties, each for a like sum to the satisfaction of the learned III Additional District Judge, Salem 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 appear before the III Additional District Judge, Salem on all hearing dates without fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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.

WEB COPY

-sd/-
25/05/2022

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 III ADDITIONAL DISTRICT SESSIONS JUDGE,
SALEM.

2 THE INSPECTOR OF POLICE
THEVATTIPATTI POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.K.RAMESH Advocate on payment of necessary charges
SR.No.7844

CRL OP.12502/2022

Date :25/05/2022

CSK 26/05/2022