



Crl.OP.No.16303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.16303 of 2022

Ajithkumar

....Petitioner

Vs.

The State rep. by
The Inspector of Police,
Fairlands Police Station,
Salem City.
Crime No.175 of 2017

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.262 of 2018 on the file of III Additional District Judge, Salem.

For Petitioner : Mr.M.Subash

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



CrI.OP.No.16303 of 2022

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ORDER

The petitioner was arrested on 30.03.2022, on execution of Non-Bailable Warrant issued by the learned III Additional District Judge, Salem for the offence under Sections 148, 307, 506(ii) of IPC and Section 3(1) of TNPPDL Act pending trial in S.C.No.262 of 2018 in respect of crime No.175 of 2017 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that there are totally 16 accused in this case and the petitioner has been arrayed as an accused in Crime No.175 of 2017 under Sections 148, 307, 506(ii) of IPC and Section 3(1) of TNPPDL Act and after filing charge sheet, the same was pending before the learned learned III Additional District Judge, Salem. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 17.03.2022. Thereafter, the petitioner was arrested on 30.03.2022.



CrI.OP.No.16303 of 2022

WEB COPY

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 are 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 the lower Court has issued Non-Bailable Warrant against the petitioner on 17.03.2022. Thereafter, the petitioner was arrested on 30.03.2022. He would further submit that the case is pending for trial from the year 2018. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.175 of 2017. After completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.262 of 2018 pending on the file of the learned III Additional District Judge, Salem. However, the petitioner was absent before the trial court. As such, Non Bailable Warrant was issued against him and the same was executed



CrI.OP.No.16303 of 2022

and they were remanded to judicial custody.

6.Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner are ordered to be released on bail on their 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** 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., III Additional District Judge, Salem twice daily at 10.30 a.m and 05.30 p.m. until further orders;

[c] the petitioner shall not abscond either during investigation



CrI.OP.No.16303 of 2022

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.

13.07.2022

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G.K.ILANTHIRAIYAN, J.



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CrI.OP.No.16303 of 2022

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To

- 1.The learned III Additional District Judge,
Salem
- 2 .The Inspector of Police,
Fairlands Police Station,
Salem City.
3. The Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.16303 of 2022

13.07.2022