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CrI.OP.No.17654 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

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

CrI.OP.No.17654 of 2022

Guru @ Paramaguru

...Petitioner

Vs.

The State Rep. By
Inspector of Police,
Pagandai X Road
Police Station,
Villupuram District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on Bail in connection with the case in P.R.C.No.12 of 2020 pending committal on the file of the Ld. Judicial Magistrate, Sankarapuram.

For Petitioner : Mr.J.Ramkumar
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner/A5, who was arrested and remanded to judicial custody on 11.10.2021 on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate, Sankarapuram for the offence under



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Section 302 of IPC @ 147, 148, 120(b), 364, 302, 201 R/w 149 of IPC
in P.R.C.No.12 of 2020, seeks bail.

2.It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner. However, the petitioner got absconded and he was arrested and remanded to the judicial custody on 11.10.2021.

3. The petitioner was originally granted bail in Crime No.62 of 2014. Thereafter, respondent police completed the investigation and filed final report and the same was taken on file in P.R.C.No.12 of 2020 on the file of the learned Judicial Magistrate, Sankarapuram. However, the petitioner was absent before the committal Court and as such, NBW was issued on 28.04.2019. In pursuance to the NBW, he was arrested and remanded to judicial custody on 11.10.2021. There are totally 7 accused, in which the petitioner is arrayed as A5.



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4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.11.10.2021, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sankarapuram** 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 appear before the committal Court twice daily at 10.30 a.m. and 5.30 p.m. till the committal proceedings are over.

[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



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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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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate,
Sankarapuram.
- 2.The Inspector of Police,
Pagandai X Road
Police Station,
Villupuram District.
- 3.Cuddalore Central Prison.
- 4.The Public Prosecutor,
High Court of Madras

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