



CrI.OP.No.18519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

CrI.OP.No.18519 of 2022

Ganesan

....Petitioner

Vs.

The State rep. by
The Inspector of Police,
Ammamet Police Station,
Salem District.
Crime No.1685 of 2009

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in pending trial in S.C.No.252 of 2016 on the file of the II Additional District Court, Salem.

For Petitioner : Mr. W.Camyles Gandhi

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



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ORDER

The petitioner was arrested on 21.03.2022, on execution of Non-Bailable Warrant issued by the learned **II Additional District Court, Salem** for the offence under Sections **174 of Cr.P.C (Suspicious Death)** subsequently altered into Sections **120(B), 364, 302 of IPC** pending trial in **S.C.No.252 of 2016** in respect of **crime No.1685 of 2009** on the file of the respondent police, seeks bail.

2. It is the case of the prosecution is that the petitioner has been arrayed as an accused in Crime No.1685 of 2009 under Sections **174 of Cr.P.C (Suspicious Death)** subsequently altered into Sections **120(B), 364, 302 of IPC** and after filing charge sheet, the same was pending before the learned **II Additional District Court, Salem**. Thereafter, the petitioner did not appear before the trial Court on 06.03.2021. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner and the petitioner was arrested on 21.03.2022.



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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 the lower Court has issued Non-Bailable Warrant against the petitioner on 21.03.2022. Thereafter, the petitioner was arrested on same date. He would further submit that the case is pending for trial from the year 2009. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.1685 of 2009. After completion of investigation, the respondent filed final report and the same has been taken cognizance in S.C.No.252 of 2016 pending on the file of the learned **II Additional District Court, Salem**. However, the petitioner was absent before the trial court. As such, Non Bailable Warrant was issued against him and the same was executed and they were remanded to judicial custody.



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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 is 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 **II Additional District Court, 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., **II Additional District Court, 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 or trial.

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



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[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.

05.08.2022

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To

1. II Additional District Court,
Salem.
- 2 .The Inspector of Police,
Ammamet Police Station,
Salem District.
3. Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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