



Crl.O.P.No.23716 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.23716 of 2022

Tharagu @ Suresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
NIB-CID Police Station,
Salem.
(Crime No.95 of 2017)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in C.C.No.36 of 2018 in Crime
No.95 of 2017, pending trial on the file of the Special Judge for EC/NDPS
Act Cases, Salem.

For Petitioner : Mr.S.Sengkodi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



CrI.O.P.No.23716 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2022, pursuant to a non bailable warrant of arrest issued on 04.03.2020 in C.C.No.36 of 2018 in Crime No.95 of 2017, pending trial on the file of the Special Judge for EC/NDPS Act Cases, Salem, seeks bail.

2. The learned counsel appearing for the petitioner would submit that the petitioner, who is arrayed as A1 in this case, is facing trial in C.C.No.36 of 2018 in Crime No.95 of 2017, on the file of the Special Judge for EC/NDPS Act Cases, Salem. He would also submit that the petitioner was earlier granted bail and thereafter, he was regularly appearing before the trial Court, whereas, on 04.03.2020, the petitioner was unable to appear before the trial Court due to his illness and thereby, the trial Court had issued a non bailable warrant of arrest as against the petitioner. Pursuant to which, the petitioner was arrested on 24.01.2022 and he is in custody for the past more than 8 months. He would further submit that the petitioner's failure to appear before the Court on 04.03.2020 is neither willful nor wanton. He would also state that the petitioner is prepared to abide by any stringent



Crl.O.P.No.23716 of 2022

conditions that may be imposed on him and he also undertakes to cooperate with the trial Court for speedy disposal of the trial. He would further state that the petitioner is also prepared to furnish blood sureties. Further, he would submit that the learned trial Judge is not posted and there is no possibility of the trial being completed at the earliest. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner was earlier granted bail. However, during the course of trial, the petitioner absconded and later based on the non bailable warrant of arrest issued on 04.03.2020, the petitioner was arrested and remanded to judicial custody on 24.01.2022. Therefore, he vehemently opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the



Crl.O.P.No.23716 of 2022

case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner and also the fact that the petitioner is prepared to furnish blood surety, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Special Judge for EC/NDPS Act Cases, 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 the trial Court, on all working days at 10.30 a.m., without fail, until further orders;

[c] the trial Court shall take every steps to complete the trial as expeditiously as possible preferably within a period of 6 months from the date



Crl.O.P.No.23716 of 2022

of receipt of a copy of this order;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

11.10.2022

rgi



Crl.O.P.No.23716 of 2022

To
WEB COPY

1. The Special Judge for EC/NDPS Act Cases,
Salem.
2. The Inspector of Police,
NIB-CID Police Station,
Salem.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23716 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.23716 of 2022

11.10.2022