



Crl.OP.Nos.23954, 23955, 23956, 23957, 23960, 23961, 23965, 23967 and 23969 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

**Crl.OP.Nos.23954, 23955, 23956, 23957, 23960, 23961, 23965, 23967 and
23969 of 2022**

Crl.O.P.No.23954 of 2022:-

Arivu @ Arivazhagan @ R.K.Arivazhagan ..Petitioner

Vs.

State represented by,
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
(Crime No.831 of 2012) ..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in P.R.C.No.56 of 2013 on the file the
Judicial Magistrate No.I, Villupuram.

In all Crl.O.Ps

For Petitioner : Mr.C.Ayyapparaj for
Mr.R.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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COMMON ORDER

The petitioner in Crl.OP.No.23954 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 147, 148, 341, 109, 120B, 302 of IPC r/w 149 of IPC in PRC.No.56 of 2013 on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.831 of 2012, on the file of the respondent police, seeks bail.

2. The petitioner in Crl.OP.No.23955 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 294(b), 332, 307 and 506(ii) of IPC, in PRC.No.15 of 2018 on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.847 of 2012, on the file of the respondent police, seeks bail.

3. The petitioner in Crl.OP.No.23956 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 120(B), 147, 148, 324, 302 of IPC r/w Section 149 of IPC, in PRC.No.23 of 2015 on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.148 of 2015, on the file of the respondent police, seeks bail.



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4. The petitioner in Crl.OP.No.23957 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Section 399 of IPC, in PRC.No.21 of 2018 on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.43 of 2014, on the file of the respondent police, seeks bail.

5. The petitioner in Crl.OP.No.23960 of 2022, who was arrested and remanded to judicial custody on 14.03.2022 for the offences punishable under Sections 341, 352, 397 & 506(ii) of IPC, in Crime No.101 of 2022, on the file of the respondent police, seeks bail.

6. The petitioner in Crl.OP.No.23961 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 294(b), 332, 506(ii) and 307 of IPC, in PRC.No.20 of 2018, on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.977 of 2017, on the file of the respondent police, seeks bail.

7. The petitioner in Crl.OP.No.23965 of 2022, who was arrested and



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remanded to judicial custody on 22.03.2022 for the offences punishable under Section 397 of IPC, in PRC.No.8 of 2015, on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.50 of 2014, on the file of the respondent police, seeks bail.

8. The petitioner in Crl.OP.No.23967 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 307 of IPC, in PRC.No.25 of 2012, on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.13 of 2012, on the file of the respondent police, seeks bail.

9. The petitioner in Crl.OP.No.23969 of 2022, who was arrested and remanded to judicial custody on 22.03.2022 for the offences punishable under Sections 147, 148, 120B, 449, 307 and 302 of IPC, in PRC.No.7 of 2016, on the file of the learned Judicial Magistrate No.I, Villupuram, in respect of Crime No.695 of 2013, on the file of the respondent police, seeks bail.

10. The ground case for the petitioner's detention was registered in Crime No.101 of 2022, on the file of Kandamangalam Police Station, Villupuram, for



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the offences under Sections 341, 352, 397 & 506(ii) of IPC. In pursuant to the crime, the petitioner was arrested and remanded to judicial custody on 14.03.2022. Though, the petitioner was granted bail on other cases, he failed to appear before the committal Court and as such, the Nonailable Warrant has been issued as against the petitioner. On PT warrant, the petitioner's formal arrest have been shown in other cases. Thereafter, the petitioner was detained under Goondas. However, subsequently, the detention order was revoked by an order dated 18.05.2022 in G.O.No.(Rt).No.2870.

11. There is a force in the submission of the learned counsel for the petitioner. Though, the petitioner was involved in several cases, that were in the year 2014 and 2015. Thereafter, the petitioner never involved in any case except in Crime No.101 of 2022, that too was registered for the purpose of detention of the petitioner under Goondas. However, the said detention order was also now set-aside and revoked by an order dated 18.05.2022 in G.O.No.(Rt).No.2870. He also relied upon the Judgment of the Hon'ble Supreme Court of India reported in **MANU/SC/0854/2022** in **Crl.A.No.923 of 2022** dated **11.07.2022**, thereby dismissed the appeal filed by the Government of West Bengal challenging the order of bail granted by the High Court of West Bengal. In that



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case also, the accused was involved in more than 53 cases that too under the NDPS Act. However, the Hon'ble Supreme Court of India, dismissed the appeal filed by the State of West Bengal.

12. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner is a professional offender and so far, he was involved in 26 cases and in all the cases, he was absconded and the Non Bailable Warrant was issued in Crime No.101 of 2022 and he was arrested and remanded to judicial custody and executed the Non Bailable Warrant issued against the petitioner. Now, the case is pending before the Trial Court. At this stage, if the petitioner is let out on bail, the Trial in all the cases will be staled. Hence, he vehemently opposed grant of bail to the petitioner.

13. A perusal of records revealed that the petitioner was arrested and remanded to judicial custody in Crime No.101 of 2022 on the file of the Kandamangalam Police Station, Villupuram, on 14.03.2022. His arrest was shown in PT warrant in other cases. Therefore, the petitioner is in incarceration from 14.03.2022. Admittedly, all the cases are pending before the Trial Court for Trial. That apart, he was already granted bail and he failed to appear before



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the committal Court and as such the Non Bailable Warrant has been issued against the petitioner.

14. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 14.03.2022, this Court is inclined to grant bail to the petitioner.

15. Accordingly, the petitioner in **Crl.O.P.Nos.23954, 23955, 23956, 23957, 23961, 23965, 23967 and 23969 of 2022** is ordered to be released on bail on his executing a bond **in each case**, for a sum of Rs.10,000/- (Rupees ten thousand only) with **two blood related sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Villupuram and the petitioner in **Crl.O.P.No.23960 of 2022** 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 blood related sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Villupuram 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.



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[b] the petitioner shall report before the learned Judicial Magistrate No.I, Villupuram, thrice a day, viz, at 10.30 a.m., 01.00 p.m and 05.00 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.

[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.

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G.K.ILANTHIRAIYAN, J.

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To

1. The Judicial Magistrate-I, Villupuram.

2. The Judicial Magistrate-II, Villupuram.

3. The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.

4. The Inspector of Police,
Kandamangalam Police Station,
Villupuram District,

5. Central Prison,
Cuddalore.

6. The Public Prosecutor,
High Court of Madras.

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