



Crl.O.P.No.24126 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

Crl.O.P.No.24126 of 2022

Prabu @ Prabakaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Namakkal Police Station,
Namakkal.

(Crime No.1120 of 2008)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in P.R.C.No.7 of 2017 on the file of
the learned Judicial Magistrate No.I, Namakkal (Amended as per order in
Crl.M.P.No.17352 of 2022 in Crl.O.P.No.24126 of 2022 dated 16.11.2022).

For Petitioner : Ms.S.Sengkodi

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



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ORDER

The criminal original petition has been filed seeking to enlarge the petitioner herein on bail in P.R.C.No.7 of 2017 on the file of the learned Judicial Magistrate No.I, Namakkal, in connection with the Crime No.1120 of 2008, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.1120 of 2008 for the alleged offence under Sections 120(b), 395 r/w 397 & 395 r/w 120(b) IPC, which is pending committal on the file of the learned Judicial Magistrate No.I, Namakkal in P.R.C.No.7 of 2017. She further submitted that the petitioner was regularly appearing before the Court on all hearing dates and since, he was arrested in other cases, which was registered on the file of the Trichy Police, he was unable to appear before the learned committal Court on 25.09.2015, thereby, a Non Bailable Warrant was issued against him and pursuant to the same, the petitioner was arrested on 07.09.2021. She also submitted that the petitioner has been acquitted in all other cases which were registered by the Trichy Police and the only case pending against the petitioner is the present case



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which is pending committal in P.R.C.No.7 of 2017. She further stated that the petitioner is ready to comply with any stringent condition that may be imposed by this Court and is prepared to to furnish sufficient sureties and also he will co-operate for speedy disposal of the case. Therefore, she prayed to grant bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are totally 7 accused in this case and the petitioner is arrayed as A3. He further submitted the as far as this case is concerned, the petitioner along with other accused have robbed a sum of Rs.6,60,000/- from the de-facto complainant, when he was on the way to remit the amount in the bank. He also submitted that since the petitioner has been absconded for a long time, the case has been split up against the petitioner and is pending committal in P.R.C.No.7 of 2017 and in respect of the other accused, the case has been committed to the Court of Sessions and it is pending trial in S.C.No.203 of 2018 before the learned Additional District Court, Namakkal. He also submitted that yet another accused in this case has also been absconding. Hence, he opposed to grant bail to the



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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 submissions of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner and also considering the fact that the petitioner is prepared to furnish adequate sureties and he undertakes to appear before the committal Court on all hearing dates, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**(out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Namakkal**, and on



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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 learned Judicial Magistrate No.I, Namakkal, on all hearing dates at 10.30a.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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.I,
Namakkal
2. The Inspector of Police,
Namakkal Police Station,
Namakkal.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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