



Crl.O.P.No. 24739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

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1. Murugesan
2. Ganesan

... Petitioners

Vs.

State Rep.by,
The Inspector of Police,
Thammampatty Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarged him on bail in C.C.No.47 / 2022 pending trial on the file
of the Learned Judicial Magistrate, No.II, Attur, Salem District.

For Petitioners : Mr.E.Kannadasan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.09.2022, pursuant to a non bailable warrant of arrest issued on 07.06.2022 in C.C.No.47 of 2022 in Crime No.331 of 2020, pending trial on the file of the learned Judicial Magistrate No.II, Attur, Salem District, seek bail.

2. The learned counsel appearing for the petitioners would submit that the petitioners are the accused facing trial in C.C.No.47 of 2022 on the file of the learned Judicial Magistrate No.II, Attur, Salem District for the offences punishable under Sections 294(b), 341, 323, 324 and 506(ii) of IPC. He would also submit that the petitioners have been regularly appearing before the Court and on 07.06.2022, the petitioners were unable to appear before the trial Court due to illness and thereby, the trial Court had issued a non bailable warrant of arrest as against the petitioners. Pursuant to which, the petitioners were surrendered on 19.19.2022. He would further submit that the petitioners are ready to appear before the Court on all hearing dates without fail and that they are also prepared to cooperate for the speedy



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disposal of the trial. Therefore, he prays for grant of bail to the petitioners.

3. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners surrendered on 19.09.2022, pursuant to the non bailable warrant of arrest is issued against the petitioners on 07.06.2022. He would also submit that the case now stands posted to 20.10.2022 for examination of LW1 to LW5. Therefore, he vehemently opposed to grant bail to the petitioners.

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

5. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on



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their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Attur, Salem District**, 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 petitioners shall report before the trial Court on all working days, at 10.30 a.m. until further orders;

[c] the petitioners shall also file an affidavit of undertaking before the trial Court that they will cooperate with the trial Court for speedy disposal of the trial;

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

[e] the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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.

13.10.2022

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To

1. The Judicial Magistrate No.II,
Attur, Salem District
2. The Inspector of Police,
Thammampatty Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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