



Crl.O.P.Nos.25356 & 25408 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

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

Crl.O.P.Nos.25356 & 25408 of 2022

Thamizh @ Thamizharasan

... Petitioner in both Crl.O.P.Nos.

Vs.

The State represented by,
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
(Crime Nos.18 & 406 of 2016)

... Respondent in both Crl.O.P.Nos.

Prayer in Crl.O.P.No.25356 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioner on bail pending trial in S.C.No.293 of 2020 on the file of the learned Principal District Sessions Judge, Villupuram.

Prayer in Crl.O.P.No.25408 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioner on bail pending trial in S.C.No.115 of 2017 on the file of the learned Principal District Sessions Judge, Villupuram.



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In both Crl.O.P.Nos.,

For Petitioner : Mr.P.Prince Premkumar

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

COMMON ORDER

The Criminal Original Petitions have been filed by the petitioner to enlarge him on bail in S.C.Nos.293 of 2020 & 115 of 2017 pending trial on the file of the learned Principal District Sessions Judge, Villupuram.

2. The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in S.C.No. 293 of 2020 in Crime No.18 of 2016 for the alleged offence under Sections 120(B), 148, 307, 109, 149 IPC & Section 3(a), 4(a), 5 r/w 6 of Explosive Substances Act, 1908 and in S.C.No.115 of 2017, in Crime No.406 of 2016 for the alleged offence under Sections 302, 307 IPC & Section 3 of Explosive Substances Act, r/w 25(1)(a), 27(1) of Arms Act, pending on the file of the learned Principal District Sessions Judge, Villupuram.



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3. He would further submit that in respect of S.C.No.293 of 2020

(Crime No.18 of 2016), the petitioner surrendered before the learned trial Court on 04.08.2016 and later he has been released on bail by this Court in Crl.O.P.No.23265 of 2016 dated 20.10.2016 and when he was came out of bail, he was falsely implicated in a case in Crime No.406 of 2016 (presently in S.C.No.115 of 2017 on the file of the Principal District Sessions Judge, Villupuram) on 25.10.2016. He would also state that subsequently, in Crime No.406 of 2016, the petitioner was granted bail by this Court in Crl.O.P.No.5046 of 2017 dated 15.03.2017 and while he was on bail, he was falsely implicated in a case in Crime No.84 of 2017 on the file of the Mettupalayam Police Station, Puducherry. He would also submit that the petitioner on coming to know about the registration of the said case, voluntarily surrendered before the learned Judicial Magistrate - I, Salem and thereafter, he was remanded before the jurisdictional Court concerned and thereafter, from 23.10.2017, he was in continued incarceration and during such time, the Mettupalayam Puducherry Police has filed a final report in Crime No.84 of 2017 and the case has also been taken up for trial in S.C.No.18 of 2019 on the file of the learned II Additional Sessions Judge,



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Puducherry and the petitioner contested the case from prison and later, he has been acquitted by judgment dated 23.09.2021.

4. The learned counsel would further submit that while the petitioner was in prison, he was produced on PT Warrant in Crime Nos.18 & 406 of 2016 registered by the respondent police. He would also submit that the original bail granted to the petitioner in the above said crime numbers has not been cancelled so far and he has been produced only through the PT Warrant. He would further submit that based on the decision of this Court in the case of **Pillappan @ Ravikumar Vs. The State** reported in **(2018) 3 CTC 156**, once the petitioner has been acquitted in the subsequent case and when the bail granted by the Superior Court in the previous cases have not been cancelled, he is entitled for bail and he seek for bail. He would also submit that apart from these three cases, he has been granted bail in all other cases. He would reiterate that the both the cases in S.C.Nos.293 of 2020 and 115 of 2017 (Crime Nos.18 & 406 of 2016 respectively) are pending before the learned Principal District Sessions Judge, Villupuram and he is produced for trial from prison. He would also state that the petitioner is ready to abide



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by any stringent condition that may be imposed by this Court and he is prepared to co-operate for speedy disposal of the trial in both the cases. Therefore, he prays for grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender and while he was in bail, he got himself involved in Crime No.84 of 2017 on the file of the Mettupalayam Police Station, Puducherry and he was arrested, however, he has been acquitted in this case. He would also submit that the bail granted to the petitioner by this Court in Crl.O.P.No.23265 of 2016 dated 20.10.2016 (Crime No.18 of 2016) and Crl.O.P.No.5046 of 2017 dated 15.03.2017 (Crime No.406 of 2016) have not been cancelled so far. However, he oppose for grant of bail to the petitioner.

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



7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the earlier bail orders granted by this Court in respect of the Crime Nos.18 & 406 of 2016 have not been cancelled so far and only he has been produced on PT warrant pursuant to the subsequent case registered, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 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-I, Villupuram 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 petitioner shall report before the



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Principal District Sessions Judge, Villupuram, on all working days at 10.30 a.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 can be registered under Section 229A IPC.

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