



Crl.O.P.No.29466 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

Crl.O.P.No.29466 of 2022

Raja @ Sudukattu Raj

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Kondalampatty Police Station,
Salem District.

Crime No.312 of 2012

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner on bail in connection with the S.C.No.39 of

2018 on the file of the learned III Additional District and Sessions Judge

Salem.

For Petitioner : Mr.R.Chakkaravarthy

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



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in S.C.No.39 of 2018, on the file of the learned III Additional District and Sessions Judge, Salem, in connection with the Crime No.312 of 2012, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.39 of 2018 for the alleged offence under Sections 302 IPC, pending on the file of the learned III Additional District and Sessions Judge, Salem. He further submitted that the petitioner has been regularly appearing before the Court, whereas, during the month of September, due to his sudden illness, he was unable to appear before the Court on 14.09.2021 and thereby, a Non Bailable Warrant for arrest was issued against him. He further submitted that after recovery, the petitioner himself voluntarily surrendered before the Court on 08.10.2021 and also filed an application to recall the warrant, whereas, the learned trial Judge remanded him to the judicial custody and he is in custody from 08.10.2021. He also submitted that the petitioner has a permanent residence



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and he is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner and if only the petitioner comes out on bail, he will be able to defend his side properly.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, is an accused facing trial in S.C.No.39 of 2018, pending on the file of the learned III Additional District and Sessions Judge, Salem. He further submitted that on 14.09.2021, the petitioner failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which, the petitioner was surrendered on 08.10.2021 and he was remanded to the judicial custody. He also submitted that the case now stands posted on 01.12.2022 for examination of witnesses LW10 to LW12 and on instructions, he also submitted that some other previous cases are pending as against the petitioner. Hence, he oppose for grant of bail to the petitioner.



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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 fact that the petitioner has voluntarily surrendered before the trial Court on 08.10.2021 and also considering the period of incarceration undergone by the petitioner, 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 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 III Additional District and Sessions Judge, Salem**, and on further conditions that:



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[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 III Additional District and Sessions Judge, Salem, on all working days at 10.30 a.m. for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner after coming out of bail shall file an Affidavit of Undertaking that he will co-operate for speedy disposal of the trial;

[d] the petitioner shall not abscond during trial;

[e] the petitioner shall not tamper with evidence or witness during 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]**;



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

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To

1. The III Additional District and Sessions Judge,
Salem.
2. The Inspector of Police,
Kondalampatty Police Station,
Salem.
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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