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CrI.O.P.No.5207 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

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

CrI.O.P.No.5207 of 2023

1. Kathiresan

2. Sathish

3. Manivannan

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City.

(Crime No.1117 of 2013).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in connection with the Crime
No.1117 of 2013, pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.Saravananakumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioners herein, on bail in S.C.No.123 of 2018, on the file of the learned 5th Additional District Judge, Coimbatore, in connection with the Crime No.1117 of 2013, on the file of the respondent Police.

2. Learned counsel for the petitioners submitted that the petitioners are arrayed as A1, A4 & A5 respectively, who are facing trial in S.C.No.123 of 2018 for the alleged offence under Sections 147, 341 IPC and Section 3(i) of TNPPDL Act, pending on the file of the learned 5th Additional District Judge, Coimbatore. He further submitted that the petitioners have been all along regularly appearing before the Court on all hearing dates, while so, due to their illness, the petitioner 2 was unable to appear before the Court on 07.03.2022 and the petitioners 1 and 3 were unable to appear before the Court on 11.10.2022 and also due to mis-communication, they were unable to file the petition under Section 317 Cr.P.C. He further stated that since the petitioners did not appear before the Court, Non Bailable Warrants were issued against them on 07.03.2022 & 11.10.2022 respectively and pursuant



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to which, they were arrested from their respective homes on 23.01.2023 and they are in custody for more than a month. He also stated that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court and also they are ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioners.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioners have failed to appear before the Court, Non-Bailable Warrants were issued by this Court against them on 07.03.2022 and 11.10.2022 respectively, and pursuant to the same, they were arrested on 23.01.2023. He further submitted that no previous case is pending as against these petitioners and also submitted that since the accused have been absconding one after another, there is no progress in the trial, hence, he opposed to grant bail to the petitioners.

4. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel for the petitioners and taking note of the fact that the petitioners, except on 07.03.2022 (A4) & 11.10.2022 (A1& A5), they have been regularly appearing before the court concerned and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned 5th Additional District and Sessions Judge, Coimbatore**, 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 learned 5th Additional District and Sessions Judge, Coimbatore, on all working days at 10.30 a.m., till framing of charges and thereafter, on the dates fixed by the learned trial Judge;



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[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance 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]*;

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

7. Also, the respondent Police is directed to execute all the non-bailable warrants pending against the absconding accused in S.C.No.123 of 2018, pending on the file of the learned 5th Additional District Judge, Coimbatore, within a period of one month from the date of receipt of a copy of this order and the trial shall be completed as expeditiously as possible.

06.03.2023

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To



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1. The 5th Additional District and Sessions Court,
Coimbatore.
2. The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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