



Crl.O.P.No.5996 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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

Crl.O.P.No.5996 of 2023

Sathish @ Satheeswaran @ Selvam
@ Sakthivel

... Petitioner

Vs.

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

(Crime No.110 of 2007).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending trial of the case in P.R.C
No.03 of 2020, on the file of the learned Judicial Magistrate,
Kumarapalayam, Namakkal District.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.01.2023, pursuant to the non-bailable warrant issued on 21.04.2017, in P.R.C.No.03 of 2020 in connection with Crime No.110 of 2007, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A2) facing trial in P.R.C.No.03 of 2020, for the alleged offence under Sections 366, 376(2)(g), 342, 506(ii) & 506(i) of IPC, pending on the file of the learned Judicial Magistrate, Kumarapalayam, Namakkal District. He further submitted that the petitioner was not arrested during the investigation in Crime No.110 of 2007 and the respondent has added the petitioner as an accused in the final report and an absconding charge sheet has been filed and the learned trial Judge, without verifying the records and without issuing summons, has straight away issued a non-bailable warrant of arrest against the petitioner on 21.04.2017 and pursuant to the same, he was arrested on 19.01.2023 and suffering incarceration for more than 40 days. He also submitted that the petitioner is prepared to abide by any stringent



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condition that may be imposed by this Court and also ready to furnish adequate sureties. He further submitted that it is the case, where the investigation has been completed, therefore, further custody of the petitioner may not be required, hence, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is arrayed as A2 in Crime No.110 of 2007. He further submitted that the respondent, during the course of investigation, has not arrested the petitioner and filed the final report stating that the petitioner is an absconding accused and the case has been taken up in P.R.C.No.03 of 2020, pending on the file of the learned Judicial Magistrate, Kumarapalayam, Namakkal District. He further submitted that the trial Court has issued a non-bailable warrant against the petitioner on 21.04.2017 and pursuant to the same, he was arrested on 19.01.2023. He also submitted that five previous cases are pending against the petitioner and also stated that if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.



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

5. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kumarapalayam, Namakkal 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 appear before the **learned Judicial Magistrate, Kumarapalayam,**



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Namakkal District, on all working days at 10.30a.m., till the case has been committed and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner 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 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.

15.03.2023

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To

1. The Judicial Magistrate, Kumarapalayam, Namakkal District.
2. The Inspector of Police, Kumarapalayam Police Station, Namakkal 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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