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CrI.O.P.No.5837 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

CrI.O.P.No.5837 of 2023

Ramu @ Ramachandran @ Ramajeth Malani

... Petitioner

Vs.

The Inspector of Police,
Vennandur Police Station,
Salem 636 015.

(Crime No.254 of 2019).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.254 of 2019, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Ananthasekar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 11.04.2022, pursuant to the non-bailable warrant issued on 17.03.2022, in S.C.No.71 of 2021 in connection with Crime No.254 of 2019, on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is a sole accused facing trial in S.C.No.71 of 2021, for the alleged offence under Sections 294(b) and 302 of IPC, pending on the file of the learned Sessions Judge, Special Court for SC/ST (PoA) Act cases, Namakkal. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, whereas, on 17.03.2022, since the petitioner was not feeling well, he was unable to appear before the trial Court, thereby, a Non Bailable Warrant was issued against him and pursuant to which, he was arrested on 11.04.2022 and he is in judicial custody from till date. He further submitted that the petitioner has been co-operating for the trial and as on date, out of 22 witnesses, L.W.1 to L.W.15 have been examined as P.W.1 to P.W.15. He further submitted that the petitioner has got permanent residence and he is ready to furnish adequate sureties and also co-operate for speedy disposal of the trial. He also submitted that the period



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of incarceration suffered by the petitioner may be taken into consideration and hence, he prays for grant of bail to the petitioner.

3.Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner has failed to appear before the trial Court in S.C.No.71 of 2021 on 17.03.2022, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 11.04.2022. He further submitted that if bail is granted to the petitioner at this stage, 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.

4.In reply, the learned counsel for the petitioner submitted that the petitioner is ready to appear before the trial Court on all working days and he is also ready to furnish the blood sureties. Hence, he prays for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by either side of the parties and taking note of the fact that the petitioner, except on 17.03.2022, he has been regularly appearing before the court concerned and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions

7. 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** (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 Sessions Judge, Special Court for SC/ST (PoA) Act cases, Namakkal**, 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 Sessions Judge, Special Court for SC/ST (PoA) Act cases, Namakkal on all working days at 10.30a.m., until further orders;**

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence



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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.

14.03.2023

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To

1. The Sessions Judge, Special Court for SC/ST (PoA) Act cases, Namakkal.
2. The Inspector of Police, Vennandur Police Station, Salem 636 015.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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