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Crl.O.P.No.7251 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.7251 of 2023

N.Kulanthaivel

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Kaniyur Police Station
Tiruppur District.

(Crime No.71 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in FR-204/2021 in PRC proceedings
in P.R.C.No.1 of 2022 pending before the learned Principal Sessions Court,
Tiruppur.

For Petitioner : Mr.E.V.Chandru @ E.Chandrasekaran

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



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Crl.O.P.No.7251 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.02.2023, pursuant to the non-bailable warrant of arrest issued against him on 25.11.2022, in P.R.C.No.1 of 2022 pending before the learned Principal Sessions Court, Tiruppur, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused had committed murder of two ladies for gain and thereafter, to screen the evidence, thrown their body in a ARP Canal. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the fact remains is that the petitioner was convicted in S.C.No.306 of 1999 for the offence under Sections 449, 392 & 302 IPC and released during the year 2008, thereby, on suspicion the respondent police has implicated the petitioner in the present case registered in Crime No.71 of 2021, for the offences punishable under Sections 302,



CrI.O.P.No.7251 of 2023

380, 201, 449 & 404 of IPC. He also submitted that as far as this case is concerned, the case was taken up in P.R.C.No.1 of 2022 on the file of the learned Principal Sessions Court, Tiruppur, in which, the petitioner was earlier released on bail, whereas, the committal Court without issuing summons to the petitioner or without taking any steps against the sureties, has straight away issued a Nonailable Warrant of arrest against him on 25.11.2022 and pursuant to which, he was arrested on 01.02.2023. He further submitted that the petitioner has got a permanent residence in Tiruttani and his daughter aged about 8 years is studying 3rd standard in Magalankilzhar Nursery and Primary School, Tiruttani. He further submitted that it is not a case where the petitioner got absconded and thereafter, the steps have been taken and the Nonailable Warrant was issued. He also submitted that now the case has also been committed and taken up in S.C.No.73 of 2023 pending trial on the file of the Mahila Court, Tiruppur.

4. He further submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also ready to furnish sufficient sureties. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy



Crl.O.P.No.7251 of 2023

disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates. Hence he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case where the petitioner along with other accused have committed murder of two ladies for gain and thrown their corpse in a nearby canal to screen the evidence. He also submitted that earlier the petitioner was arrested and released on bail and the petitioner got absconded, thereby, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 01.02.2023. He further submitted that on verification it came to know that the petitioner has a permanent residence and his daughter is studying in Magalankilzhar Nursery and Primary School, Tiruttani. He also submitted that the case has been committed to the Mahila Court, Tiruppur, and taken up in S.C.No.73 of 2023 and now stands posted on 05.05.2023 and therefore, 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. Hence, he opposed to grant bail to the petitioner.



Crl.O.P.No.7251 of 2023

WEB COPY

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, the submissions made by the learned counsel on either side and taking note of the undertaking given by the petitioner and also considering the period of incarceration undergone by the petitioner, 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 Principal Sessions Judge, Tiruppur District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



Crl.O.P.No.7251 of 2023

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the Mahila Court, Tiruppur, 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 shall file an Affidavit of Undertaking to the effect 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]*;

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

19.04.2023

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Crl.O.P.No.7251 of 2023

To

1. The Principal Sessions Judge,
Tiruppur.
2. The Mahila Court,
Tiruppur.
3. The Sub-Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7251 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7251 of 2023

19.04.2023