



Crl.O.P.No.9351 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

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

Crl.O.P.No.9351 of 2023

R.Ravi @ Ravikumar

... Petitioner

Vs.

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

(Crime No.88 of 2016)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending trial in S.C.No.92 of 2022
on the file of learned Additional District and Sessions Judge, Namakkal
District.

For Petitioner : Mr.T.Dhasarathan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2023, pursuant to the non-bailable warrant issued against him on 20.02.2023, in S.C.No.92 of 2022, pending on the file of learned I Additional District and Sessions Judge, Namakkal District, in connection with Crime No.88 of 2016, registered for the alleged offence punishable under Sections 445 r/w 395 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused (A5) facing trial in S.C.No.92 of 2022 pending on the file of the I Additional District and Sessions Judge, Namakkal District. He further submitted that the petitioner has all along been regularly appearing before the Court on all hearing dates, while so, since he was affected with jaundice, he was unable to appear before the trial Court on 20.02.2023, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested from his residence on 01.03.2023. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner, who is an accused (A5) facing trial in S.C.No.92 of 2022 pending on the file of the learned I Additional District and Sessions Judge, Namakkal District, has failed to appear before the trial Court on 20.02.2023, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested on 01.03.2023. He further submitted that there are 11 witnesses in this case and the case now stands posted on 02.06.2023 for issuing summons to LW3 to LW8. He also submitted that no previous case is pending against the petitioner, however, he opposed for grant of bail to the petitioner.

4. At this juncture, the learned counsel for the petitioner submitted that the petitioner is prepared to furnish sufficient sureties and ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner is also ready to file an Affidavit of Undertaking stating that he will co-operate for speedy disposal of the trial and also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prayed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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.

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), each for a like sum to the satisfaction of the **learned I Additional District and Sessions Judge, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the learned I Additional District and Sessions Judge, Namakkal District, on all working days at 10.30 a.m. for a period of four weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner, after coming out on bail, 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.

27.04.2023

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To

1. The I Additional District and Sessions Judge,
Namakkal District.
2. The Inspector of Police,
Namagiripet Police Station,
Namakkal District.
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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