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CrI.O.P.No.9673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.9673 of 2023

Ranjith Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Bhavani Sagar Police Station,
Erode District.

(Crime No.14 of 2007
and Crime No. 59 of 2007).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, pending trial in S.C.No.60
of 2017 pending trial on the file of the learned III Additional District and
Sessions Court, Gobichettipalayam, Erode District.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.12.2021, pursuant to the non-bailable warrant of arrest issued against him on 07.10.2021 in S.C.No.60 of 2017, pending on the file of learned III Additional District and Sessions Judge, Gobichettipalayam, Erode District, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.60 of 2017, pending on the file of learned III Additional District and Sessions Judge, Gobichettipalayam, Erode District. He further submitted that earlier, the petitioner was granted bail and he has been regularly appearing before the trial Court on all hearing dates and due to some miscommunication with his Advocate, he was unable to appear before the trial Court on 07.10.2021, due to which, the trial Court had issued a Non-Bailable Warrant of arrest against him, thereby, he was arrested and remanded to judicial custody on 13.12.2021. He further 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



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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.

3. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has failed to appear before the trial Court on 07.10.2021, thereby, the trial Judge has issued a Non-Bailable Warrant of arrest against him, pursuant to which, he was arrested and remanded to judicial custody on 13.12.2021. He further submitted that six previous cases are pending as against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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 the learned counsel on either side and also



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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 III Additional District and Sessions Judge, Gobichettipalayam, Erode 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 III Additional District and Sessions Judge, Gobichettipalayam, Erode District, on all hearing dates, without fail;

[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;



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[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.

17.05.2023

ham/ vkr

To

1. The III Additional District and Sessions Judge,
Gobichettipalayam, Erode District.
2. The Inspector of Police,
Bhavani Sagar Police Station,
Erode District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN.,J.

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