



CrI.OP.No.10440 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10440 of 2023

1.Vedi alias Vedyappan

2.Velmurugan

3.Samraj

... Petitioners

Vs.

State rep by Inspector of Police,
Samalpatti Police Station,
Krishnagiri 635 306
Crime No.51 of 2019

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in SC.No.181 of 2019 for the offence under Sections 147, 148, 323, 324, 326, 307, 302, 149, 342, 114 of IPC on the file of the Additional District and Sessions Judge, Krishnagiri in Crime No.51 of 2019 on the file of the respondent Police.

For Petitioner : Mr.D.Parventhan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on execution of warrant on 23.03.2023 in in SC.No.181 of 2019 for the offence under Sections 147, 148, 323, 324, 326, 307, 302, 149, 342, 114 of IPC on the file of the Additional District and Sessions Judge, Krishnagiri in Crime No.51 of 2019 on the file of the respondent Police, seek bail

2. It is the case of the prosecution that the petitioners were arrayed as accused in crime No.51 of 2019 Sections 147, 148, 323, 324, 326, 307, 302, 149, 342, 114 of IPC. After completing investigation, on filing final report, the same was taken cognizane in SC.No.181 of 2019 on the file of the Additional District and Sessions Judge, Krishnagiri. While so, the petitioners did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioners on 21.02.2023. Thereafter, the petitioners were arrested and remanded to judicial custody on 23.03.2023.



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3.The learned counsel appearing for the petitioners would submit that due to ill health, the petitioners could not appear before the trial court. Therefore, the non-appearance before the lower Court by the petitioners is neither wilful nor wanton. However, he would also submit that the petitioners are ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit due to non-appearance of the petitioners before the lower Court, the trial judge has issued Non-Bailable Warrant on 21.02.2023 against the petitioners and the petitioners were arrested and remanded to judicial custody on 23.03.2023, and if the bail is granted to the petitioners, it is very difficult to secure them. Hence, he vehemently objected for grant of bail to the petitioners.

5. It is seen that originally the petitioners were granted bail and subsequently, the respondent completed investigation and filed final report, which was taken cognizance in SC.No.181 of 2019. However, before the trial court, they were absent and NBW was issued against the



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petitioners on 21.02.2023 and the same was executed on 23.03.2023.

Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only)(each) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Krishnagiri 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 petitioners shall report before the trial court i.e. Additional District and Sessions Judge, Krishnagiri daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Additional District and Sessions Judge,
Krishnagiri
- 2.The learned Judicial Magistrate,
Krishnagiri
3. Inspector of Police,
Samalpatti Police Station,
Krishnagiri 635 306
- 4.Central Jail,
Salem
- 5.The Public Prosecutor,
High Court of Madras,
Chennai

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