



CrI.O.P.No.10938 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.10938 of 2023

1.Bala @ Balaraman

2.Seenu @ Seenivasan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Viruthampet Police Station,
Vellore District.
(Crime No.178 of 2019)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail connected with the S.C.No.225 of
2022 on the file of the Principal Sessions Judge, Vellore.

For Petitioners : Mr.S.Thirugnam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.11.2022 for the alleged offences under Sections 304, 435, 109 of IPC read with Sections 4, 3(1) of TNP (PDL) Act, 1992 in Crime No.178 of 2019 pursuant to the NBW issued by the Principal Sessions Judge, Vellore in S.C No.225 of 2022 on 11.10.2022, seeks bail.

2. It is a case of jumped bail. The petitioners who are A1 and A2 in this case are facing trial in S.C No.225 of 2022 on the file of the Principal Sessions Judge, Vellore, for the offences under Sections 304, 435, 109 of IPC read with Sections 4, 3(1) of TNP (PDL) Act, 1992. Since the petitioner did not appear before the learned Principal Sessions Judge, Vellore on 11.10.2022, the learned trial Judge issued Non-Bailable Warrant against the petitioners and pursuant to which, the petitioners have approached this Court seeking for bail.

3. Learned counsel for the petitioners would submit that due to unawareness of the hearing date, the petitioners did not appear before the Court on 11.10.2022 and thereby, the trial Court has issued NBW against them. Therefore, he prays to grant bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that, if the petitioners are released on bail, there is a possibility of absconding. Therefore, he strongly opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and considering the period of incarceration undergone by the petitioner and also taking note of the gravity of offence, the petitioners are ordered to be released on bail on them executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.III, Vellore** 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioners have to appear for every hearing before the concerned Court without fail.

[d] the petitioners shall not abscond either during investigation or trial;

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

17.05.2023

gd/arb



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To
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1. The Judicial Magistrate Court No.III,
Vellore.
2. The Inspector of Police,
Viruthampet Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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