



WEB COPY



Crl.O.P.No.11313 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

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

Crl.O.P.No.11313 of 2023

M.S.Guru @ M.Gurusamy

... Petitioner

Vs.

The State Represented by,
The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem District.

(Crime No.02 of 2012)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, pending trial in C.C.No.29 of 2012 on the file of the learned Special Judge, Special Court under TNPID Act, Coimbatore.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.11313 of 2023

WEB COPY

ORDER

The petitioner, who was remanded to judicial custody through PT warrant on 28.09.2022, pursuant to the non-bailable warrant of arrest issued against him in C.C.No.29 of 2012 on the file of learned Special Judge, Special Court under TNPID Act, Coimbatore in connection with Crime No.02 of 2012 registered by the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner has been regularly appearing before the trial Court on all hearing dates and since the petitioner has been arrested in connection with Crime No.02 of 2012, registered by the Deputy Superintendent of Police, Economic Offences Wing-II, Salem District, he was unable to appear before the trial Court, thereby, the trial Court has issued a non-bailable warrant of arrest against him, thereby, he was remanded to judicial custody in the present case through PT warrant on 28.09.2022. 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 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, thereby, the trial Judge has issued a non-bailable warrant of arrest against him, pursuant to which, he was remanded to judicial custody through PT warrant on 28.09.2022. 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, 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.



WEB COPY



Crl.O.P.No.11313 of 2023

6. 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**, each for a like sum to the satisfaction of the **learned Special Judge, Special Court under TNPID Act, Coimbatore**, 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 has to appear for every hearing before the concerned Court, 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;

[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



WEB COPY



CrI.O.P.No.11313 of 2023

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
(3/3)

arb/gd

To

1. The Special Judge,
Special Court under TNPID Act, Coimbatore.
2. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.11313 of 2023

A.A.NAKKIRAN, J.

arb/gd

Crl.O.P.No.11313 of 2023

17.05.2023

(3/3)