



CrI.O.P.No.11596 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

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

CrI.O.P.No.11596 of 2023

Dinesh Kumar

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Kottakuppam Station,
Villupuram District.
(Crime No.265 of 2010).

... 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.94
of 2023 on the file of the Principal Sessions Judge, Villupuram.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.02.2023, in connection with Crime No.265 of 2010 registered for the



CrI.O.P.No.11596 of 2023

offence punishable under Sections 120(b), 147, 148, 449, 302 of IPC r/w Section 3(a), 4(b) of Explosive Substances Act r/w. Section 149, 109 of IPC, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.94 of 2023 pending on the file of the Principal Sessions Judge, Villupuram. He further submitted that the petitioner, due to his illness, was unable to appear before the trial Court on 09.02.2023, thereby, the trial Court has issued a Nonailable Warrant of arrest against him and pursuant to which, he was arrested on 09.02.2023. He also submitted that the petitioner is prepared to abide by any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3. Learned learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.94 of 2023, pending on the file of the Principal Sessions Judge, Villupuram, has failed to appear before the trial Court on 09.02.2023, a Non-



CrI.O.P.No.11596 of 2023

Bailable Warrant was issued against him and pursuant to the same, he was arrested on 09.02.2023. He further submitted that if bail is granted to the petitioner, there is every possibility of him, to abscond again and would derail the progress of trial. Therefore, he opposed to grant bail to the petitioner.

4. Taking into consideration the facts and circumstances of the case, the submissions made by 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.

5. 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 Judicial Magistrate, Vanur** 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 report before the learned Principal Sessions Judge, Villupuram, on all



CrI.O.P.No.11596 of 2023

working days at 10.30 a.m., until further orders;

[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.

18.05.2023

Lpp/mn

To



CrI.O.P.No.11596 of 2023

WEB COPY

1. The Principal Sessions Judge, Villupuram.
2. The Judicial Magistrate,
Vanur.
3. The Inspector of Police,
Kottakuppam Station,
Villupuram District.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN,J.



WEB COPY



Crl.O.P.No.11596 of 2023

Lpp/mn

Crl.O.P.No.11596 of 2023

18.05.2023