



Crl.OP.No.11773 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11773 of 2023

Arunpandiyan

... Petitioner

Vs.

State rep. By,
Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
Crime No.84 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in S.C.No.184 of 2021 on the file of
the 1st Additional District and Session Judge, Cuddalore.

For Petitioner : Mr. D.Padmanabhan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER



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The Petitioner, who was arrested and remanded to judicial custody on 25.11.2023 for the offences punishable under Sections 147, 148, 294(b) and 302 of IPC in Crime No.84 of 2023 on the file of the Respondent Police, seeks bail.

2. The learned Counsel appearing for the Petitioner submitted that, Petitioner was already granted bail. However, on 09.11.2022, Petitioner could not appear before the Court, for which, learned 1st Additional District and Session Judge, Cuddalore issue Non Bailable Warrant against the Petitioner and the same was executed and petitioner was arrested on 25.11.2023.

3. The learned Government Advocate (Crl. Side) submitted that there are 10 accuse in this case. Petitioner herein is the second accused. Now, the trial had commence. Cross- Examination and Chief Examination of PW1 to PW3 is over. The learned 1st Additional District and Session Judge, Cuddalore has issued summons to PW4, PW5 & PW6.

4. As per the submission of the learned counsel for the Petitioner,



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Petitioner is detained in prison from 25.11.2022. **Call for remarks from the 1st Additional District and Session Judge, Cuddalore regarding the trial proceedings in this case. The remarks of the learned 1st Additional District and Session Judge, Cuddalore shall reach this Court by 21.06.2023 by return of email.**

5. As per the submission of the learned Government Advocate (Crl. Side) only three witnesses have been examined till date. When the accused is detained in prison, the case should have disposed during the period of the detention of A2, where all other accused are regularly appearing and this case should be given priority. In Sessions Cases, witnesses should be examined in two or three day ie., independent witnesses should be examined on first day and other witnesses should be examined within three or four days. Consequently, within the same week all the witnesses should be examined. This is the procedure adopted in the Sessions case. Here, 1st Additional District and Session Judge, Cuddalore issued summons, as if he/she is conducting trial for civil case, ignoring the fact that the accused was detained in prison for more than 6 months.

6. Considering the fact that the case is part heard, this Court is



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inclined to grant bail to the petitioner with the following conditions:

7. 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 (out of which, one surety shall be a blood related surety), each for a like sum to the satisfaction of the learned 1st Additional District and Session Judge, Cuddalore and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall report before the 1st Additional District and Session Judge, Cuddalore on all working day at 10.30 a.m., until further orders;

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

If there is any violation of the conditions, the learned 1st Additional District and Session Judge, Cuddalore shall himself / herself cancel the bail, as though bail was granted by him/her.

24.05.2023

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SATHI KUMAR SUKUMARA KURUP,J.

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To

1. 1st Additional District and Session Judge,
Cuddalore.
2. Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
3. Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

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