



WEB COPY



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.05.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP**

**Crl.O.P.Nos.11875, 11882 & 11886 of 2023**

Johny @ John Paulraj

S/o.John Peter

... Petitioner in all Crl.O.P.Nos.11875 & 11886 of 2023

Johny @ John Paulrajan

S/o.John Peter

... Petitioner in all Crl.O.P.No.11882 of 2023

**Vs.**

The State represented by,  
The Inspector of Police,  
Sathuvacheri Police Station,  
Vellore District.

... Respondent in Crl.O.P.Nos.11875 & 11882 of 2023

The State represented by,  
The Inspector of Police,  
Vellore South Police Station,  
Vellore District.

... Respondent in Crl.O.P.No.11886 of 2023

**Prayer in Crl.O.P.No.11875 of 2023:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, pending trial in P.R.C.No.19 of 2018 on the file of the Judicial Magistrate No.V, Vellore District.



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

**Prayer in Crl.O.P.No.11882 of 2023:** 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.69 of 2018 on the file of the learned I<sup>st</sup> Additional District and Sessions Judge, Vellore District.

**Prayer in Crl.O.P.No.11886 of 2023:** 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.47 of 2022 on the file of the learned Additional Subordinate Judge, Vellore District.

In all Crl.O.Ps.,

For Petitioner : Mr.R.Sasikumar

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

### **COMMON ORDER**

The petitioner, who was remanded to judicial custody through PT warrant pursuant to the non-bailable warrant of arrest pending against him in connection with Crime Nos.979 of 2013, 65 of 2014 & 232 of 2018, registered on the file of the respondent Police respectively, seeks bail.

2.1 The case of the prosecution in Crl.O.P.No.11875 of 2023 is that the petitioner is an accused facing trial in P.R.C.No.19 of 2018 on the file of the Judicial Magistrate No.V, Vellore District, in connection with Crime No.979 of 2013 registered for the offences under Sections 147, 148,



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

323, 294(b), 392, 397 & 506(i) of IPC. Pursuant to the non-bailable warrant of arrest pending against him from the year of 2018, he was remanded to judicial custody through PT warrant on 22.12.2022.

2.2 The case of the prosecution in Crl.O.P.No.11882 of 2023 is that the petitioner is an accused facing trial in S.C.No.69 of 2018 on the file of the learned I<sup>st</sup> Additional District and Sessions Judge, Vellore District, in connection with Crime No.65 of 2014, registered for the offences under Sections 147, 148, 120(B), 364, 302, 201 r/w 149, 109 of IPC. Pursuant to the non-bailable warrant dated 04.02.2019 of arrest pending against him, he was remanded to judicial custody through PT warrant on 20.12.2022.

2.3 The case of the prosecution in Crl.O.P.No.11886 of 2023 is that the petitioner is an accused facing trial in S.C.No.47 of 2022 on the file of the learned Additional Subordinate Judge, Vellore District, in connection with Crime No.232 of 2018, registered for the offences under Sections 294(b), 397, 451, 395 of IPC. Pursuant to the non-bailable warrant dated 04.02.2019 of arrest pending against him, he was remanded to judicial custody through PT warrant on 17.12.2020.



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is an accused facing trial in aforesaid cases and he was originally arrested on 13.11.2020 in connection with Crime No.835 of 2020. He further submitted that since, he had not appeared before the trial Court, the trial Court had issued non-bailable warrant of arrest against him and pursuant to which, he was remanded to judicial custody through PT warrant on 22.12.2022, 20.12.2022 & 17.12.2020 respectively. He further submitted that the petitioner has been granted bail in all other cases pending against him. He also 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 co-operate for speedy disposal of the trial and further 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondents police submitted that the petitioner is a habitual offender, against whom, 51 previous cases are pending. He further submitted that trial



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

in respect of these cases are under progress and if bail is granted to the petitioner at this stage, there is every possibility of him to derail the progress of trial. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents and perused the entire materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing separate bond in each crime number for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties (out of which, one surety should be a blood related surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - V, learned I<sup>st</sup> Additional District and Sessions Judge & learned Additional Subordinate Judge, Vellore**



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

**respectively 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 appear before the learned trial Judge concerned on all hearing dates, without fail, till disposal of the case;**

**[c]** the petitioner shall not abscond during trial;

**[d]** the petitioner shall not tamper with evidence or witness during trial;

**[e]** 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]*;

**[f]** If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

**24.05.2023**

*ham*



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

WEB COPY

To

1. The Judicial Magistrate - V,  
Vellore.
2. The 1<sup>st</sup> Additional District and Sessions Judge,  
Vellore.
3. The Additional Subordinate Judge,  
Vellore.
4. The Inspector of Police,  
Sathuvacheri Police Station,  
Vellore District.
5. The Inspector of Police,  
Vellore South Police Station,  
Vellore District.
6. The Central Prison,  
Cuddalore.
7. The Public Prosecutor,  
High Court of Madras.



WEB COPY



Crl.O.P.Nos.11875, 11882 & 11886 of 2023

**SATHI KUMAR SUKUMARA KURUP.,J.**

*ham*

**Crl.O.P.Nos.11875, 11882 & 11886 of 2023**

**24.05.2023**