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Crl.O.P.No.13466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13466 of 2023

Karudan @ Sungavaneshwaran

... Petitioner

Vs.

State rep by
The Inspector of Police
Tiruchengode Town Police Station,
Namakkal District.

Crime No.32 of 2013

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.200 of 2018 on the file of
the II Additional District and Sessions Judge, Tiruchengode.

For Petitioner : Mr.R.Chakkaravarthy

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 02.03.2023 for the offences under Sections 147, 148, 364(A), 392 and
324 of IPC @ 147, 120(B), 364-A, 342, 392 and 395 of IPC, in Crime No.32



of 2013, on the file of the respondent police, in S.C. No.200 of 2018 on the file of the II Additional District and Sessions Judge, Tiruchengode, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested and remanded to judicial custody on 02.03.2023 on execution of Non Bailable Warrant issued against him on 31.07.2019.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as Accused No.3 and is facing trial in S.C. No.200 of 2018 on the file of the II Additional District and Sessions Judge, Tiruchengode, and he was regularly appearing before the trial Court. He would further submit that on account of his employment elsewhere, the petitioner was unable to appear before the Court on 31.07.2019 and thereby, the trial Court has issued Non Bailable Warrant of arrest against him. Subsequently, the petitioner was ready to appear, but due to pandemic period of Covid-19, the petitioner was unable to appear before the trial Court to recall the warrant and later, the petitioner was arrested at his residence on 02.03.2023. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and the petitioner has



got permanent residence and he is also ready to file an affidavit of undertaking stating that he will co-operate for speedy disposal of the trial.

Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is arrayed as A3, has absconded on 31.07.2019 and the case against A1 and A7 were split up in S.C.No.86 of 2018 and it is also pending for examination of witnesses. He would further submit that all other accused are regularly appearing before the trial Court. He would also submit that the petitioner has got permanent residence. However, he 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 respondent police and perused the materials available on record.

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



7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, (out of which, one surety should be the blood relative of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode** 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 II Additional District and Sessions Judge, Tiruchengode, on all 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 either during investigation or trial;

[e] the petitioner 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 petitioners released on bail by the learned Magistrate/Trial



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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.

28.06.2023

vkrr

To

1. The Judicial Magistrate,
Tiruchengode.
2. The II Additional District and Sessions Judge,
Tiruchengode,
3. The Inspector of Police
Tiruchengode Town Police Station,
Namakkal District.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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