



Crl.OP.No.15441 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15441 of 2023

Anbarasan

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.
Crime No.307 of 2011.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.13 of 2012 on the file of the learned II Additional District Judge, Salem, Salem District (Crime No.307 of 2011) on the file of the Inspector of Police, Deevattipatti Police Station, Deevattipatti, Salem District.

For Petitioner : Mr.R.Muruga Bharathi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



CrI.OP.No.15441 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.04.2023 for the offence punishable under Section 302 I.P.C in Crime No.307 of 2011 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is first accused in S.C.No.13 of 2012 pending for trial of the offences under Section 352, 302 r/w 34 of I.P.C. NBW was issued against the petitioner. He was secured on the basis of NBW and he is in judicial custody from 12.04.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that due to continued absence of the petitioner, there was no progress in trial in S.C.No.13 of 2012. Hence, he opposed this petition.

4.Considered the rival submissions and perused the records.



CrI.OP.No.15441 of 2023

WEB COPY

5.Considering the fact that the petitioner is in judicial custody from 12.04.2023, and that he needs to appear before the trial court regularly, this Court is inclined to grant bail to the petitioner to face the trial effectively, however with stringent conditions.

6. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Omalur, Salem District** 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 II Additional District Judge, Salem District, daily at 10.30.a.m., until further orders and on the date of hearings without fail.

[c] the petitioner shall not abscond either during



WEB COPY



CrI.OP.No.15441 of 2023

investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

13.07.2023

ep



WEB COPY



CrI.OP.No.15441 of 2023

To

- 1.The Judicial Magistrate, Omalur, Salem District.
- 2.The Inspector of Police,
Deevattipatti Police Station,
Deevattipatti,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.15441 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.OP.No.15441 of 2023



WEB COPY



CrI.OP.No.15441 of 2023

13.07.2023