



Crl.OP.No.15568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

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

Crl.OP.No.15568 of 2023

M.Prabaharan

..Petitioner

Vs.

The State Rep by
The Sub Inspector of Police,
Sankari Police Station,
Crime No.74 of 2017

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in C.C.No.58 of 2017 on the file
of the learned Judicial Magistrate No.1, Sankari.

For Petitioner : Mr.A.Arun Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2023 for the offences punishable under Sections 279 and 304(A) of IPC pending in C.C.No.58 of 2017 on the file of the learned Judicial Magistrate No.I, Sankari in connection with Crime No.74 of 2017, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in C.C.No.58 of 2017. Non Bailable Warrant was issued against him on 03.03.2021 and thereafter, it was executed on 09.06.2023. He further submitted that, petitioner would be very regular hereafter and thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) opposed the petition on the ground that, petitioner was absconding for more than two years.

4. Considering the fact that the case pending against the



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petitioner was registered for the offence under Sections 279 and 304(A) of IPC and the facts and circumstances in which the Non-Bailable Warrant was issued against the petitioner and subsequently remanded to Judicial Custody on 09.06.2023 and also having regard to the submission of the learned counsel for the petitioner that the petitioner would regularly appear before the Court hereafter, this Court is inclined to grant bail to the petitioner.

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 **Judicial Magistrate No.I, Sankari** 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 Judicial Magistrate No.I, Sankari on every



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hearing dates without fail.

[c] the petitioner shall not abscond either during 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.

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1. Judicial Magistrate No.I,
Sankari

2.The Sub Inspector of Police,
Sankari Police Station,

3.Central Jail,
Salem.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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