



WEB COPY



Crl.O.P.Nos.16208 & 16212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2023

CORAM

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

Crl.O.P.Nos.16208 & 16212 of 2023

Birakishor Palia

..Petitioner in Crl.O.P.No.16208 of 2023

Sudam Baghar
2023

... Petitioner in Crl.O.P.No.16212 of

Vs.

State Rep by its,
The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.
Crime No.648 of 2023

...Respondent in both Crl.O.P's

PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.648 of 2023 on the file of the respondent police.

For Petitioners : M/s. T.Balaji

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



CrI.O.P.Nos.16208 & 16212 of 2023

the petitioners. He further submitted that, apart from this case, there is no previous case pending against the petitioners. However, he oppose the petition on ground that, the petitioners are natives of Odisha State, if they are granted bail, they will flee from this jurisdiction by going to their native place and it is difficult to secure them for facing the trial.

4. Considering the nature of the offence and facts of the case and that the contraband had been recovered and also considering that there is no previous case pending against the petitioner and that the petitioners are in judicial custody from 08.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties (out of which, one should be a blood relative from their native place**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Salem** and on further conditions that :-



WEB COPY



CrI.O.P.Nos.16208 & 16212 of 2023

[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 petitioners shall deposit a non-refundable sum of Rs.10,000/- each, by way of Demand Draft to the Cancer Institute (WIA), East Canal Bank Road, Adyar, Chennai and that the receipt of such payment shall be produced before the concerned Magistrate at the time of executing the bond; Payment of this amount will not amount to admission of guilt of the petitioners.

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.Nos.16208 & 16212 of 2023

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.07.2023

Sma

To

1. Judicial Magistrate No.II,
Salem.
- 2.The Inspector of Police,
PEW-Hosur Police Station,
Krishnagiri District.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



CrI.O.P.Nos.16208 & 16212 of 2023

G.CHANDRASEKHARAN. J.

Sma

CrI.O.P.Nos.16208 & 16212 of 2023

21.07.2023