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CrI.OP.No.16668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

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THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No. 16668 of 2023

Guru @ Paramaguru

....

Petitioner/Accused-3

Vs

The State rep. by
Inspector of Police,
Vadaponparapi Police Station,
Villupuram District.

....

Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in S.C.No.91 of 2023 on the file of the Principal Sub Court, Kallakurichi.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.R.Kishore Kumar,
Government Advocate

ORDER

The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021, on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate, Sankarapuram for the offence under Sections **120(b), 364, 399 IPC read with 25(i)(a) Indian Arms Act, 1959 and Section**



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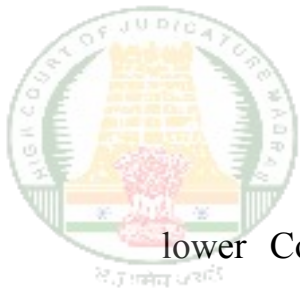
34 IPC pending trial in P.R.C.No.03 of 2016 in respect of crime No.81 of 2014

on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has been arrayed as A3 in Crime No.81 of 2014 under Sections **120(b), 364, 399 IPC read with 25(i)(a) Indian Arms Act, 1959 and Section 34 IPC** and after filing charge sheet, the same was pending before the learned Judicial Magistrate, Sankarapuram. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 23.02.2016. Thereafter, The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021.

3.The learned counsel appearing for the petitioner would submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the



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lower Court has issued Non-Bailable Warrant against the petitioner on 23.02.2016. Thereafter, The petitioner was arrested on 11.10.2021 and remanded to judicial custody on 25.10.2021. He would further submit that the case is pending for trial from the year 2016. Only because of his absence, the Trial has been stalled for the past six years. If he is let out on bail, there is a possibility for the petitioner to flee away from the jurisdiction of the Trial Court. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 25.10.2021, this Court is inclined to grant bail to the petitioner.

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 out of which one shall be a blood surety**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarapuram, 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.



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[b] the petitioner shall report before trial Court viz., learned **Judicial Magistrate, Sankarapuram daily at 10.30 a.m and 4.30 p.m., until further orders.**

[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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To

1.The Judicial Magistrate, Sankarapuram.



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2. Inspector of Police,
Vadaponparapi Police Station,
Villupuram District.

3. Central Prison, Cuddalore

4. The Public Prosecutor,
High Court of Madras,
Chennai

G.K.ILANTHIRAIYAN, J.

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