



Crl.O.P.No.18369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

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

Crl.O.P.No.18369 of 2023

R.Prathap

...Petitioner

Vs.

State Rep by
Inspector of Police,
South Police Station,
Tiruppur
(Crime No.665 of 2019).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the Bail to the petitioner in Crime No. 665 of 2019 on the file of Respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.06.2023 for the offence punishable under Sections 302, 392, 397, 201 and 414 IPC in Crime No.665 of 2019 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.665 of 2019 for the offences punishable under Sections 302, 392, 397, 201 and 414 IPC. Petitioner is innocent. Learned counsel for the petitioner submitted that, petitioner is an accused in PRC.No.50 of 2020 pending on the file of the Judicial Magistrate No.II, Thirupur. Since, he has not appeared before the Court on 09.02.2022, Non-Bailable Warrant was issued against him. He was arrested on 20.06.2023. Since then, he is in judicial custody. Due to some unavoidable reason, petitioner was not able to appear before the Court. It is his further submission that, petitioner would appear before the Court without default in the future hearing dates. Therefore, he prays for grant of bail to the petitioner.



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3. Learned Additional Public Prosecutor, opposed this petition, on the ground, petitioner has not taken any efforts for re-calling the warrant dated 09.02.2022. Thus, he prays for dismissal of this petition.

4. Considering the fact that, petitioner was arrested and remanded, on the basis of the Non-Bailable warrant issued against him and that petitioner is in judicial custody from 20.06.2023 and now the learned counsel for the petitioner submits that, petitioner would be regular hereafter in attending the Court hearing, this Court is inclined to grant bail to the petitioner with conditions and 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 **learned Judicial Magistrate No. II at Tirupur** 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 the learned Judicial Magistrate No.II, Thirupur and sign on all working days at 10.30 a.m., and on the date of hearings, till the completion of trial.

[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 learned Judicial Magistrate No. II,
Tirupur.
- 2.The Inspector of Police,
South Police Station,
Tirupur.
- 3.The Central Prison,
Tirupur.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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