



WEB COPY



Crl.O.P.No. 29137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29137 of 2023

Palanisamy

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.

Crime No.130 of 2008

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail in S.C.No.138 of 2013

pending trial before the learned III Additional District and Sessions Judge,

Salem.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody, pursuant to the non-bailable warrant of arrest issued against him in.S.C.No.138 of 2013, pending on the file of the learned III Additional



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District and Sessions Judge, Salem, seeks bail.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in S.C.No.138 of 2013, for the alleged offence under Sections 147, 148, 120(b), 307, 302, 326, 201 r/w Section 302 of IPC, pending on the file of the learned III Additional District and Sessions Judge, Salem. He further submitted that the petitioner has all along been regularly appearing before the trial Court on all hearing dates, while so, due to his illness, he was unable to appear before the trial Court on 02.11.2021, thereby, the trial Court has issued a Non Bailable Warrant of arrest against him and pursuant to which, he was arrested on 24.01.2022.

3. He further submitted that the petitioner is an innocent person and he is prepared to furnish adequate sureties and also prepared to abide by any stringent conditions that may be imposed by this Court. He also submitted that the petitioner would ensure that he will appear before the trial Court on all hearing dates without fail. Therefore, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that since the petitioner, who is an accused facing trial in S.C.No.138 of 2013, pending on the file of the learned III Additional



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District and Sessions Judge, Salem, has failed to appear before the trial Court on 02.11.2021, a Non-Bailable Warrant was issued against him and pursuant to the same, he was arrested on 24.01.2022. She further submitted that this is the fifth Non-Bailable Warrant issued against the petitioner. Hence, she vehemently opposed to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 III Additional District and Sessions Judge, Salem and on further conditions that:

[b] the petitioner shall report before the learned III Additional District and Sessions Judge, Salem, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned



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Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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.

28.12.2023

vkx/apd

To

1. The III Additional District and Sessions Judge, Salem.
2. The Inspector of Police,
Meensurthy Police Station,
Ariyalur District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vkx/apd



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