



Crl.O.P.No.666 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.666 of 2024

Prakash S/o. Soundharrajan

...Petitioner/Accused-2

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

(Crime No.1120 of 2008)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.87 of 2023 on the file of the Principal District and Sessions Judge, Namakkal, on such terms and conditions.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A2 in S.C.No.87 of 2023, now pending before the Principal District and Sessions Judge, Namakkal, seeks bail. Originally, Crime No.1120 of 2008 had been registered by the respondent for the offences under Sections 120(b), 395 r/w 397, 395 r/w 120(b) of IPC.

2.It is stated that the matter is now pending for the case of the prosecution. Non-bailable warrant had been issued on 17.11.2022 and had been executed on 21.06.2023 but however, taking the fact that it would be only appropriate that the petitioner has to be given an opportunity to participate in the trial proceedings to defend the case himself during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 fresh sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Namakkal, and on further conditions that: -



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[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 trial Court on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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.

23.01.2024

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C.V.KARTHIKEYAN. J.



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To



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

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